



## AGENDA

7:00 p.m. August 17, 2015 City Council Meeting  
Long Beach City Hall - Council Chambers  
115 Bolstad Avenue West

### 7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Andrew, Council Member Linhart, Council Member Perez,
And roll call	Council Member Murry, Council Member Hanson, and Council Member Phillips

### CONSENT AGENDA – TAB A

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, August 3, 2015 Regular City Council meeting.
- Payment Approval List for Warrant Registers 55614 - 55668 & 78369 - 78436 for \$195,070.67

### BUSINESS

- |   |          |  |
|---|----------|--|
| • | AB 15-48 | <b>PUBLIC HEARING</b> – Revisions to 10 City Code Titles – TAB B |
| • | AB 15-49 | Safe Haven Engineering Solicitation – TAB C                      |
| • | AB 15-50 | TIB Small City Preservation Program – TAB D                      |
| • | AB 15-51 | Ordinance 922 - Revolving Line of Credit extension – TAB E       |

### ORAL REPORTS

- |   |              |       |                    |                  |
|---|--------------|-------|--------------------|------------------|
| • | City Council | Mayor | City Administrator | Department Heads |
|---|--------------|-------|--------------------|------------------|

### CORRESPONDENCE AND WRITTEN REPORTS – TAB F

- |   |  |
|---|--|
| • | Long Beach Police July 2015 Report   |
| • | Tourism and Events Coordinator July 2015 Report                              |
| • | Hearings Examiner Summary Report of Decision                                 |
| • | LBPVB Monthly Destination Marketing Report – July 2015                       |
| • | Correspondence – Karen DeLessert   |
| • | Correspondence – Department of Ecology                                       |
| • | Correspondence – Porter Foster Rorick LLP – Marijuana related legislation    |
| • | Business License – TAWFIQ RAWAJFA – Outside City Limits                      |
| • | Business License – Serviceline Field Services LLC – Outside City Limits      |
| • | Business License – Russell Construction 2.0 – Outside City Limits            |
| • | Business License – Rose City Painting & Remodel, llc – Outside City Limits   |
| • | Business License – Custom Bedbug Inc. – Outside City Limits                  |
| • | Business License – Damian Mulinix, Photographer – 115 14 <sup>th</sup> St SW |
| • | Business License – Olson Asphalt Maintenance llc – Outside City Limits       |

### FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month at 7:00 PM and may be preceded by a workshop.	
August 17, 2015 – 7:00 pm – City Council	September 8, 2015 – 7:00 pm City Council

### PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to five minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

### ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Clerk at the meeting.

**TAB - A**

## **LONG BEACH CITY COUNCIL MEETING**

**August 3, 2015**

### **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

### **ROLL CALL**

David Glasson, City Administrator, called roll with Mayor Andrew, C. Murry, C. Hanson, C. Perez, C. Phillips, and C. Linhart present.

### **CONSENT AGENDA**

Minutes, July 20, 2015 Regular City Council meeting

Payment Approval List for Warrant Registers 55569- 55603 & 78324 - 78368 for \$102,276.46

AB 15-46        Used Bucket Truck

David Glasson, City Administrator, presented the Agenda Bill. He requested that the council allow staff to finalize the purchase of a used bucket truck, which was previously approved in the budget.

AB 15-47        Staff support for Skate Park research

David Glasson, City Administrator, presented the Agenda Bill. He requested authorization for staff to work on assigned skate park related tasks.

**C. Linhart made the motion to approve Consent Agenda and C. Murry seconded the motion. 5 Ayes, motion passed.**

### **BUSINESS**

AB 15-43        Public Hearing- Revisions to 10 City Code Titles

Gayle Borchard, Community Development Director, presented the Agenda Bill. She requested the revised Ordinance Nos. 912, 913, 914a, 915, 916, 917, 918, 919, 920, and 921 be approved. Veronica Price commented on the revisions.

AB 15-44        Dune to Pond Trail- Critical Resources Support

Gayle Borchard, Community Development Director, presented the Agenda Bill. City staff with support of the City Engineer and WashDOT has determined that a cultural resources survey is required. Therefore, authorization was requested for staff to review submittals, select the most qualified consultant, and enter into negotiations. Staff would also be required to bring the negotiated agreement to the Council to authorize execution by the Mayor at a subsequent Council meeting.

**C. Linhart made the motion to approve Agenda Bill 15-44 and C. Phillips seconded the motion. 5 Ayes, motion passed.**

AB 15-45        Project Safe Haven contract with FEMA

Gayle Borchard, Community Development Director, presented the Agenda Bill. The contract with FEMA has been reviewed and commented on by the City Attorney. The City must include the authorized match in next year's budget. Staff requested authorization of the Mayor and City Administrator to execute the agreement and complete all required paperwork.

**C. Linhart made the motion to approve Agenda Bill 15-45 and C. Phillips seconded the motion. 5 Ayes, motion passed.**

**ORAL REPORTS**

C. Phillips, C. Perez, C. Hanson, C. Murry, C. Linhart, Mayor Andrew, and David Glasson, City Administrator, presented reports.

**CORRESPONDENCE AND WRITTEN REPORTS**

- Sales and Lodging Tax summary for July 2015
- Correspondence- Not A Ban- A Better Plan minutes July 14, 2015.

**PUBLIC COMMENT**

Elizabeth and Marji commented on the Stanley Field improvement project.

**ADJOURNMENT**

The Mayor adjourned the meeting at 7:49 p.m.

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Mayor

ATTEST:

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City Clerk





## Warrant Register

Check Periods: 2015 - August - First

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member	Council Member	Council Member	Clerk/Treasurer	
Number	Name	Print Date	Clearing Date	Amount
55614	Andrew, Robert E.	8/5/2015		\$395.85
55615	Bell, Helen S	8/5/2015		\$1,440.69
55616	Binion, Jacob	8/5/2015		\$1,747.47
55617	Bonney, Matthew T	8/5/2015		\$1,423.86
55618	Booi, Kristopher A	8/5/2015		\$1,608.05
55619	Borchard, Gayle	8/5/2015		\$1,638.67
55620	Church, Kellen M	8/5/2015		\$1,438.57
55621	Cutting, Jeffrey G.	8/5/2015		\$1,890.05
55622	Daulton, Alan T	8/5/2015		\$492.06
55623	Ellyson, Susan R	8/5/2015		\$1,171.49
55624	Fitzgerald, Rick E.	8/5/2015		\$1,645.64
55625	Gilbertson, Bradley K	8/5/2015		\$1,443.84
55626	Glasson, David R.	8/5/2015		\$2,894.90
55627	Goulter, John R.	8/5/2015		\$1,545.23
55628	Gray, Karen	8/5/2015		\$384.79
55629	Grisham, Shawn M	8/5/2015		\$806.30
55630	Hanson, Natalie	8/5/2015		\$266.95
55631	Haskin, Katie R	8/5/2015		\$958.91
55632	Huff, Timothy M.	8/5/2015		\$1,503.04
55633	Janda, Nicholas J	8/5/2015		\$891.09
55634	Kaino, Kris	8/5/2015		\$1,015.75
55635	Kirby, Gary E	8/5/2015		\$1,118.82
55636	Kitzman, Michael	8/5/2015		\$2,063.22
55637	Linhart, Steven P	8/5/2015		\$266.95
55638	Luethe, Paul J	8/5/2015		\$2,121.79
55639	Meling, Casey K	8/5/2015		\$1,733.43
55640	Mortenson, Tim	8/5/2015		\$1,917.58
55641	Murry, Del R	8/5/2015		\$266.95
55642	Myers, Ragan S.	8/5/2015		\$1,463.78

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Register

Number	Name	Print Date	Clearing Date	Amount
55643	Nawn, Rodney J.	8/5/2015		\$1,522.27
55644	Ostgaard, Loretta G	8/5/2015		\$1,334.61
55645	Padgett, Timothy J	8/5/2015		\$1,474.82
55646	Parker, Michael T	8/5/2015		\$1,609.23
55647	Perez, Arthur Mark	8/5/2015		\$186.15
55648	Phillips, Gerald S	8/5/2015		\$266.95
55649	Quitner, Jonathan H	8/5/2015		\$958.28
55650	Russurn, Richard	8/5/2015		\$1,400.11
55651	Simonsen, Angela B	8/5/2015		\$285.90
55652	Tobin, David M	8/5/2015		\$1,388.18
55653	Warner, Ralph D.	8/5/2015		\$2,169.60
55654	Williams, David L	8/5/2015		\$184.60
55655	Wood, Matthew T	8/5/2015		\$836.66
55656	Wright, Flint R	8/5/2015		\$2,448.06
55657	Zuern, Donald D.	8/5/2015		\$2,230.22
55658	AFLAC	8/5/2015		\$259.03
55659	Association of WA Cities	8/5/2015		\$24,031.63
55660	City of Long Beach - Fica	8/5/2015		\$11,932.18
55661	City of Long Beach - FWH	8/5/2015		\$8,836.88
55662	Council Gift Fund	8/5/2015		\$60.00
55663	Dept of Labor & Industries	8/5/2015		\$2,623.34
55664	Dept of Retirement Systems	8/5/2015		\$9,827.91
55665	Dept of Retirement Systems Def Comp	8/5/2015		\$1,300.00
55666	Massmutual Retirement Services	8/5/2015		\$650.00
55667	Teamsters Local #58	8/5/2015		\$190.00
55668	Washington Support Registry	8/5/2015		\$75.00
78369	Yurosko, Jessica	8/3/2015		\$114.00
78370	Back County Horse Outfitters	8/3/2015		\$700.00
78371	Cunningham, Jesse	8/3/2015		\$400.00
78372	Evergreen Rural Water of WA	8/3/2015		\$195.00
78373	GE Analytical Instruments, Inc	8/3/2015		\$1,563.96
78374	Glasson, David	8/3/2015		\$51.75
78375	Gray, Karen	8/3/2015		\$165.00
78376	Kyle, Kathie	8/3/2015		\$100.00
78377	Ostgaard, Loretta	8/3/2015		\$275.00
78378	Prestegard, Ray	8/3/2015		\$100.00
78379	Tangly Cottage Garden	8/3/2015		\$1,189.60
78380	Wellspring Community Network	8/3/2015		\$1,888.71
78381	SUNSET AUTO PARTS, INC	8/3/2015		\$706.64
78382	Day Wireless Systems	8/3/2015		\$9,252.36
78383	Dennis Company	8/3/2015		\$555.04
78384	Fowler, Patrick	8/3/2015		\$114.00
78385	Sedberry, Elizabeth	8/3/2015		\$114.00
78386	Active Enterprises, Inc.	8/14/2015		\$215.80
78387	Airgas USA LLC	8/14/2015		\$30.54
78388	Alco-American Linen Div.	8/3/2015		\$449.60

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Number	Name	Print Date	Clearing Date	Amount
78389	Astoria Janitor & Paper Supply	8/3/2015		\$1,261.20
78390	Back Country Horse Outfitters	8/3/2015		\$700.00
78391	Beach Batteries	8/3/2015		\$21.98
78392	Beacon athletics	8/3/2015		\$248.00
78393	Boyce Equipment & Parts Co., Inc	8/3/2015		\$196.94
78394	BSK Associates	8/3/2015		\$215.00
78395	Cashmere Valley Bank	8/3/2015		\$4,854.56
78396	Cavett, Orchid	8/3/2015		\$250.00
78397	Ced - Consolidated	8/3/2015		\$280.54
78398	Chevron & Texaco Business Card Services	8/3/2015		\$1,500.00
78399	Chinook Observer	8/3/2015		\$82.31
78400	Church, Kellen	8/3/2015		\$17.00
78401	Clatsop Power Equipment	8/3/2015		\$238.59
78402	Columbia-Pacific Farmers Market	8/3/2015		\$20.00
78403	CURRAN-McLEOD, INC	8/3/2015		\$1,210.00
78404	Dennis Company	8/3/2015		\$688.27
78405	Dooley Enterprises Inc.	8/3/2015		\$355.62
78406	Elyson, Sue	8/3/2015		\$49.61
78407	Englund Maine Supply	8/3/2015		\$422.88
78408	Evergreen Rural Water of WA	8/3/2015		\$195.00
78409	Glasson, David	8/3/2015		\$24.15
78410	Goodyear Tire & Rubber Co.	8/3/2015		\$1,361.93
78411	GRAINGER	8/3/2015		\$312.10
78412	Haskin, Katie	8/3/2015		\$54.05
78413	Hedges, Jan Lem	8/3/2015		\$435.80
78414	Hintz, Karl	8/3/2015		\$300.00
78415	Mcguire, Don	8/3/2015		\$232.98
78416	Mitchell 1	8/3/2015		\$1,864.51
78417	Naselle Rock & Asphalt	8/3/2015		\$2,900.00
78418	Owen Equipment	8/3/2015		\$1,496.68
78419	Pacific Art & Office Supply	8/3/2015		\$75.31
78420	Pacific County Auditor	8/3/2015		\$64.00
78421	Pacific County Health & Human Services	8/3/2015		\$74.72
78422	Parson Corporation	8/3/2015		\$458.83
78423	Porter Foster Rorick LLP	8/3/2015		\$1,216.00
78424	Prestegard, Ray	8/3/2015		\$100.00
78425	Pumpteck, Inc	8/3/2015		\$2,567.62
78426	Recall Secure Destruction Services	8/3/2015		\$162.20
78427	Total Battery & Auto	8/3/2015		\$237.80
78428	U.S. Cellular	8/3/2015		\$298.73
78429	United Rentals Northwest	8/3/2015		\$26,527.22
78430	Visa	8/3/2015		\$202.86
78431	Vision Municipal Solutions	8/3/2015		\$350.00
78432	Wadsworth Electric	8/3/2015		\$3,767.87
78433	Whitney Equipment Co. Inc	8/3/2015		\$714.28
78434	Wilcox & Fiegel Oil Co.	8/3/2015		\$891.20

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Number	Name	Print Date	Clearing Date	Amount
78435	WILLABAY	8/3/2015		\$129.00
78436	World Kite Museum	8/3/2015		\$1,625.00
	<b>Total</b>		<b>Check</b>	<b>\$195,070.67</b>
	<b>Grand Total</b>			<b>\$195,070.67</b>

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**TAB - B**





**CITY COUNCIL  
AGENDA BILL**

**AB 15-48**

**Meeting Date:**

**August 17, 2015**

**AGENDA ITEM INFORMATION**

<b>AGENDA ITEM INFORMATION</b>		<i>Originator:</i>
<b>SUBJECT: Revisions to 10 City Code Titles and Corresponding Ordinances</b>  <b>Public Hearing for Amendments to Land Use Titles 11, 12, and 13</b>	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	<b>GB</b>
	Finance Director	
	Fire Chief	
	Police Chief	
<b>COST: N/A</b>	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
	Tourism & Events Coordinator	

**SUMMARY STATEMENT:** Continuance of public hearing of August 3, 2015 regarding amendments to land use Titles 11, 12, and 13. The hearing applies only to the three land use titles. However, 10 titles were revised (hearings are not required for non-land use code amendments). Several revised pages in the Council packet reflect changes made by Council at its previous meeting on all 10 titles that were amended. Also attached are written comments made on the code amendments; they are contained in a single document. Staff has reviewed that document, considered the comments, and prepared an analysis (attached).

**RECOMMENDED ACTION:** *Continue and conclude (if possible) public hearing. If hearing closes and it is correct to do so, approve Ordinance Nos. 912, 913, 914a, 915, 916, 917, 918, 919, 920, and 921.*



**City of Long Beach**  
**Department of Community Development**

# Memo

**To:** City Council

**From:** Gayle Borchard

**CC:** file

**Date:** August 17, 2015

**Re:** Response to Comments on 2015 Code Amendments  
Titles 11 (Unified Development), 12 (Zoning), and 13 (Critical Areas)

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## **Background**

On August 3, 2015, the Long Beach City Council conducted a hearing on amendments to the three (3) subject City code titles. The Community Development Director issued a Determination of Non-Significance (DNS) on this nonproject action. The City received one (1) set of written comments on the SEPA process (Comment Letter No. 1, attached). This memo provides background to the Council in your consideration of the comments submitted.

## **Code Amendments Subject to SEPA and Amendments Exempt from SEPA**

Amendments were made to 10 titles in all; of these, amendments to the three (3) subject titles could have environmental effects and were analyzed in a SEPA Checklist as a so-called "Nonproject Action." Amendments to the remaining seven (7) titles were not analyzed under SEPA because they are categorically exempt pursuant to WAC197-11-800(19) as follows:

*(19) Procedural actions. The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:*

*(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.*

*(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.*

*(c) Agency SEPA procedures.*

Amendments of the following three (3) code titles were reviewed under SEPA as nonproject actions. Potential environmental impacts that are posed in the questions contained in Section B of the SEPA checklist were identified and analyzed in in Section D of the completed checklist:

- **Ordinance No. 912** amends the Zoning Ordinance (Title 12). It has the potential to affect the environment, and as such was analyzed in the SEPA Checklist.
- **Ordinance No. 919** amends the Unified Development Ordinance (Title 11). The amendments are procedural in nature and do not have the potential to affect the environment. However, many of the procedural changes regard land use procedures, and in an abundance of caution, this ordinance was analyzed in the SEPA Checklist.
- **Ordinance No. 920** amends the Critical Areas Ordinance (Title 13). It has the potential to affect the environment, and as such was analyzed in the SEPA Checklist.

The following ordinances do not have the potential to negatively affect the environment, and were not analyzed in the SEPA Checklist.

- **Ordinance No. 913** amends Title 1 (Administration) by correcting the meeting schedule for the Council, establishing that a party of record may appeal certain decisions to the Pacific County Superior Court, and lengthening the time to appeal by seven (7) calendar days.
- **Ordinance No. 914a** amends Title 3 (Finances and Taxation) by moving portions of the title to Title 4 (Business and License Regulations), clarifying how to request a tax refund, and how to appeal a denial of refund.
- **Ordinance No. 915** amends Title No. 4 (Business and License Regulations) by relocating business license language from Title 3 to this title, and by amending the definitions of “business” and “seller.”
- **Ordinance No. 916** amends Title 5 (Health, Safety, and Sanitation) by refining the City’s SEPA procedures, striking old and revised WAC references. It also added a severability clause and makes it a nuisance to violate Title 10, 11, 12, or 13.
- **Ordinance No. 917** amends Title 6 (Police and Public Safety) by adding minor clarifying language regarding when the title applies, clarifying what constitutes a misdemeanor, and identifying the class of crime that throwing a water balloon constitutes.
- **Ordinance No. 918** amends Title 10 (Building Regulations) by clarifying appeals of building code decisions, refining and updating the list of codes incorporated by reference, clarifying how small projects are valued for the purposes of building

permit fees, and clarifying penalties for commencing construction without first obtaining a permit.

- **Ordinance No. 921** amends Title 14 (Enforcement) by clarifying issues regarding appeals, abatement orders, fines, and the role of the Pacific County Superior Court in the abate process.

### **Commenting on the DNS**

Pursuant to Section 5.2 (Commenting Effectively) of the Department of Ecology's SEPA handbook offers the following to those who wish to comment on a DNS:

*The lead agency may accept only written comments or they may hold a public meeting or hearing to allow oral comments to be heard. Oral comments have the added benefit of sharing views in a public forum, and during a public hearing, will be recorded exactly. Public meetings may be less formal, and an exact record may not be taken. Submitting comments in writing is the most common method of commenting and gives commentors assurance that an accurate record of their concerns has been made a part of the record.*

*It is important to remember that the goal is to communicate to the lead agency both the concerns with the proposal and possible remediation. Simple tips the reviewer should keep in mind while commenting include:*

- *Be clear, concise, and organized.*
- *Be specific. Saying that you are against a project will not have as much effect as saying why. The SEPA Rules encourage agencies and the public to be as specific in their comments as possible [WAC 197-11-550].*
- *Identify possible solutions. Suggestions on reasonable alternatives and mitigation (conditions to avoid, minimize, or reduce adverse impacts) may help shape a questionable project into one with much less environmental impact. After identifying the problem, whenever possible, suggest potential solutions.*

### **Responding to Comments on a DNS**

Section 2.8.4 (Responding to Comments on a DNS) of the SEPA Handbook, provides the following input to a decision-making body when responding to public comments made on a DNS.

*The SEPA Rules require the responsible official to consider all timely comments made on a DNS. The lead agency may then choose to*

*retain the DNS, issue a revised DNS, or—if significant adverse impacts have been identified—they may withdraw the DNS and issue a determination of significance (DS).*

***Retaining the DNS:*** *If the lead agency decides to retain the DNS, agencies may take action on the proposal after the close of the comment period. A decision to retain a DNS requires no additional paperwork, although some agencies choose to circulate notice to agencies with jurisdiction and other interested parties. Other agencies place a memo in the file indicating the comments have been reviewed and no further review is needed. Sending a written response to commentors or arranging a meeting is at the discretion of the lead agency, but can be beneficial—both in establishing good public rapport and in developing an improved proposal.*

***Revising the DNS:*** *A revised DNS is most often issued when there is a change in the mitigation conditions that will be applied to a proposal. It may also be used to document changes to a proposal that will not result in any likely significant adverse environmental impacts. A modified or revised DNS must be circulated to agencies with jurisdiction [WAC 197-11-340(2)(f)], but does not require an additional comment period. Public notice is generally not required. Since the format of a revised DNS is similar to other DNSs, the lead agencies should clearly indicate that it is a revised or modified DNS and identify the document being modified (project description, date of issue, etc.). Recirculation of the checklist to agencies that received the original document is not required, but is advisable when notable changes have been made or enough time has passed that the original may no longer be available.*

***Withdrawing the DNS:*** *The lead agency must withdraw the DNS if:*

- *There are substantial changes to the proposal that are likely to result in significant environmental impacts;*
- *There is new information available on a proposal's probable significant adverse environmental impacts; or*
- *The DNS was obtained by misrepresentation or lack of material disclosure on the part of the proponent.*

*It is also advisable to withdraw a DNS if the lead agency determines that it needs time to reconsider the significance of the proposal, reassess mitigation needs, or to do additional investigation. A new*

*threshold determination and comment period will be required, but this will prevent the "locking in" of the original DNS by another agency issuing a non-exempt permit [WAC 197-11-340(3)]. Locking-in of the DNS can restrict the lead agency's ability to impose additional mitigation measures for impacts not identified in the original DNS, or to require that an EIS be prepared.*

*The notice of withdrawal must be circulated to all agencies with jurisdiction. There is no set format for a withdrawal notice, but agencies should clearly identify the document being withdrawn, the project description and location, and the applicant's name. It also may be helpful to include information on the reason for the withdrawal.*

Received from Ms. Price  
8/3/15 Haines

Amendments to  
Titles 11, 12, 13  
comment on CEPA  
Letter No. 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PACIFIC

VERONICA PRICE,

Plaintiff,

vs.

LEROY E. OSTREM AND CLAUDIA K.  
OSTREM, individually and as a Marital  
community, and CITY OF LONG  
BEACH, WASHINGTON, A municipal  
corporation,

Defendant.

CAUSE NO. 15-2-00114-2

REGARDING JULY 29, 2015 SUPERIOR  
COURT MOTION STAYING DETERMINATION  
OF NONSIGNIFICANCE PERTAINING TO  
ENVIRONMENTAL IMPACT STUDY OF THE  
OSTREM CITY OF LONG BEACH PROPERTY  
AND CORRECTION HERE IN

To Pacific County Superior Court Clerk, Virginia Leach.

To Gray's Harbor Superior Court Administrator.

To Gray's Harbor Superior Court Honorable Judge Stephen Brown.

To the Attorneys Representing the City of Long Beach

To the City of Long Beach Administration and City Council regarding the Determination  
of Nonsignificance

1. COMES NOW VERONICA G. PRICE, I am the Plaintiff in the above captioned case  
against the City of Long Beach and Leroy Ostrem, et al. I am the majority 5/6 owner of  
approximately 4.5 acres of undeveloped shoreline that reached to the mean high tide.  
My property is adjacent and abutting the Ostrem City of Long Beach substantial 12-lot  
SEPA development. The Ostrems and City have omitted facts and provided fraudulent  
statement from the conception of this development.



comment 1-2

2. My understanding is that there may be a vote regarding having Community Developer Gayle Borchard being given the authority to make a Determination of Nonsignificance (DNS) regarding the need for a professional scientist environmental impact study which includes the Ostrem, et al development.

comment 1-3

3. You should be aware that two environmental impact studies have taken place. The application and approval is fraught with dishonest statements. This includes the representative for Leroy Ostrem stating that there was a licensed engineer designing a storm drainage system that was designed to protect not only my (Price Property), but the development itself. The potential of allowing Gayle Borchard the authority to make a Determination of Nonsignificance regarding a scientific environmental impact study may illegally initiate building on the Ostrem, et al development to proceed is a violation pursuant to RCW 19.86.020.

comment 1-4

4. The fact is that the determination that the Ostrem, et al. development has a negative environmental impact not only on my (Price) property but the development itself has already been legally established when the foresters Lot-4 of the Shoreview Estates significantly flooded. This resulted in the following law suit, which was filed in the Superior Court of Pacific County:

*"JAMES FORRESTER and GEORGIA FORRESTER, Husband and Wife, Plainriffs*  
*v.*  
*LEROY E. OSTREM and CLAUDIA K. OSTREM, individually and as a marital community, and the CITY OF LONG BEACH, WASHINGTON, a municipal corporation as, Defendants."*

1 I am providing you with a copy of the original tort claim, amended complaint, and 'Settle  
2 and Mutual Release'. The fact is there are written documentation in which the City of  
3 Long Beach Administrator David Glasson states in writing that a lawsuit regarding the  
4 property never took place. There is also documentation in which the Director of  
5 Community Development Gayle Borchard argues against their having been flooding in  
6 specific areas of the development and not wanting to do or recommend a wetland  
7 delineation to the owners of at least one subdivision lot. For the health and safety of not  
8 only the families, including children, that vacation or reside there. A thorough  
9 environmental impact study by professional scientists are necessary before Ostrem, et  
10 al proceed with building on the development. A wetland delineation was recommended  
11 by the southwest division of the Washington State Department of Ecology. An  
12 engineer's study was recommended by Theresa Tong of the U.S. Army Corps of  
13 Engineers. National wetland maps, which are not always reliable, show wetlands  
14 crossing under 19<sup>th</sup> Avenue NW, from the Price property into the development.  
15 Substantiating exactly where the wetland and waterways are in the area of the  
16 development requires a professional evaluation and mapping by a wetland biologist.  
17  
18  
19

- 20 5. The revenue from racing to building on the development without a professional  
21 environmental impact study or just using a written questionnaire does not substantiate  
22 the health, safety risk surrounding population of this development.  
23

24 CORRECTIONS IN THE MOTION FILED WITH THE PACIFIC COUNTY SUPERIOR COURT  
25 ON JULY 29, 2015.  
26

1 In to the "MOTION TO SHORTEN TIME TO SCHEDULE EMERGENCY  
2 HEARING TO STAY CITY OF LONG BEACH HEARINGS TO MAKE A  
3 DETERMINATION OF NON SIGNIFICANCE REGARDING AN  
4 ENVIRONMENTAL IMPACT STUDY AND INJUNCTION TO STOP  
COMENCEMENT OF BUIDING ON LEROY OSTREM'S SHORVIEW  
SUBDIVISION SHORELINE SEPA'S 12 LOT DEVELOPMENT"

5 1. Page 1 is correct.

6 2. Page 2, the following sentence in the second paragraph is incorrect:

7 "...to stop my ability to do a legally necessary Scientific  
8 Environmental Impact Study (EIS)."

9 After careful consideration, I now understand that Ms. Borchard's potential  
10 Determination of Nonsignificance regarding not having professionals doing an  
11 environmental impact study **does not** prevent me from having professionals do an  
12 environmental analysis myself. The Determination of Nonsignificance may however  
13 negatively prejudice any environmental study that I do.  
14

Comment 1-7

15 3. Page 2, enumeration #1 is incorrect where it states "...legally caused.." and should  
16 state:

17 "...substantial 12 lot development that has already **illegally** caused  
18 a significant negative environmental impact..."

Comment 1-8

19 4. Page 3, enumeration #6 the sentence where it states in part: "...an injunction to stop  
20 building on the Leroy Ostrem City of Long Beach Development." Is incomplete. The  
21 sentence should read as:

22 "This is why an injunction to stop building on the Leroy Ostrem's City of Long  
23 Beach Development should be stopped until a non-partial environmental impact  
24 study has been completed and mutually agreed upon in the Superior Court."  
25  
26

Comment 1-9

1 5. Page 4, enumeration #7, the first sentence has been changed to the following:

2 The fact that the City of Long Beach legal notices including the Community  
3 Developer notices by Ms. Borchard's fail to state that a determination of  
4 nonsignificance regarding having a wetland impact study prepared by a  
5 professionals fails to state that this may give the city of Long Beach and developer  
6 Leroy Ostrem, et al permission to proceed with building on a development that has  
7 already objectively had a negative environmental impact on the adjacent Price  
8 property abutting their own. The negative environmental impact on adjacent  
9 property and on their own is legally substantiated by the fact that the owners of Lot 4  
10 the Forresters, a.k.a Seaspray Inc., prevailed in the law suit, Washington Superior  
11 Court of Pacific County, Forrester v. City of Long Beach, Ostrem, et al., Case No.:  
12 06-2-00336-7  
13  
14

Comment 1-10

15 I reiterate the Determination of nonsignificance may critically negatively affect Price  
16 property and should be litigated in the Washington State Superior Court of Pacific  
17 County, where the law suit has already commenced.

Comment 1-11

18 6. Page 4, enumeration #8 where the indentation begins "... Leroy Ostrem...", should  
19 be moved up to the preceding line.

20 7. I am again providing exhibits that coincide with my request to stay the city's ability to  
21 determine that an environmental impact study by scientists on the development and  
22 surrounding property be determined as a Determination of Nonsignificance. The  
23 determination of nonsignificance is specifically legally related to Ostrem Shoreview  
24  
25  
26

Comment 1-12

connect 1-12  
(continued)

subdivision, City of Long Beach development and my adjacent Price property. Any litigation regarding Determination of Nonsignificance should be taking place in the above captioned Superior Court law suit. BUILDING SHOULD NOT COMMENCE UNTIL THE DETERMINATION OF NONSIGNIFICANCE (DNS) IS APPROPRIATELY LITIGATED IN THE SUPERIOR COURT PREFERABLY UNDER THE HONORABLE JUDGE STEPHEN BROWN OF THE GRAYS HARBOR SUPERIOR COURT.

I declare under the penalty of perjury under the laws of the state of Washington that to the best of my knowledge the foregoing is true and correct.

DATED this 3<sup>rd</sup>, day of August, 2015.

  
Veronica Price, Plaintiff  
PO Box: 122  
Long Beach, WA 98631  
Telephone: (360) 244-18631  
E-mail: vani.price4@gmail.com

district in which the property is located, including a conditional use permit and design review.

B. Allowable Uses and Use Allocation

1. An RV park may include itinerant, short-term, and long term spaces, as well as storage areas as follows:
  - 1a. Itinerant spaces (30 days or less): up to 100% of total spaces; a minimum of 50%.
  - 1b. Short-term spaces (more than 30 days and less than 6 months): a maximum of 50% of total spaces.
  - 1c. Long-term spaces (more than 6 months): a maximum of 50% of total spaces.
  - 1d. Storage (unoccupied): a maximum of 25% of total spaces.
2. Non-conforming Use Allocation. Any non-conforming allocation existing at the time of passage of this ordinance shall be corrected the next time a non-conforming space is occupied. No new non-conforming uses shall be allowed.
3. Sunset Date for Existing Non-conforming Use Allocation. Notwithstanding other sections of this code, all existing RV parks shall be made to conform to the allowable use allocation no later than December 31, 2020.

C. Prohibition on Subletting: The renter(s) of an RV space may not sublet that space to another party.

D. All RVs located in an RV park must have a clear current vehicle title.

1. Under no circumstances will an RV be allowed to be placed on blocks.

EB. Recreational or Open Space Development:

1. RV parks with an area of ten (10) acres or less shall be required to develop a minimum of ten percent (10%) of the total area for recreational or open space purposes.
2. RV parks with an area greater than ten (10) acres shall be required to develop a minimum of twenty percent (20%) of the total area for recreational or open space purposes.
3. The required open space may include amenities for the use of guests, such as recreational facilities and picnic areas. It shall not include the area within the individual RV spaces.

FC. Off Street Parking: Parking shall be provided as required by chapter 12 of this title.

GD. Ingress and Egress:

1. Driveways for ingress and egress shall comply with the requirements of section 11-5-1(D) of title 11 (Unified Development) and with the requirements of subsection D3 of section 12-12-2 of this title.



## ATTACHMENT TO ORDINANCE No. 913

### AMENDMENTS TO TITLE 1: ADMINISTRATION

#### 1-6-2: COUNCIL MEETINGS:

- A. Regular Meetings: The city council shall meet on the first and third ~~Wednesdays~~ Mondays of each calendar month, with the meetings to commence at the hour of seven o'clock (7:00) P.M. Should the meeting date fall on a holiday, the meeting shall take place on the following Tuesday.~~the city council may cancel or reschedule the meeting at the city council's sole discretion; notification thereof shall be in accordance to state law<sup>1</sup>.~~ (Ord. 785, 9-20-2004)

Footnote 1: RCW 35A.13.170 and 42.30.080.

---

#### 1-8-3: APPEAL:

Any ~~person~~ party of record aggrieved by the decision of the hearing examiner shall have the right to appeal the decision to the ~~city council~~ Pacific County Superior Court. The appeal shall be in writing and delivered to the court city hall within ~~fourteen (14)~~ twenty-one (21) calendar days of the hearing examiner's decision. No new evidence will be accepted by the ~~Superior Court~~ city council. The appeal is limited to the record presented to the hearing examiner. (Ord. 793, 2-16-2005)

---

**ATTACHMENT TO ORDINANCE No. 915**  
**AMENDMENTS TO TITLE 4: BUSINESS AND LICENSE REGULATIONS**

**4-1-2: BUSINESS LICENSE REQUIREMENTS:**

A. License Required: No person or entity shall engage in any business in the city without first having obtained a valid license to do so, pursuant to the terms of this chapter.

~~A.B.~~ Application Procedure:

1. Application for a business license shall be made by submitting a completed master business application and any appropriate addenda forms, and remitting all fees due, including handling fees established in Revised Code Of Washington 19.02.075, to the Washington state department of licensing's master license service, in coordination with the city.
2. The annual business license fee shall be established by council resolution.
3. A license shall be issued after the application has been fully completed and all applicable requirements have been fully complied with. In addition, any business requiring a state or federal license shall obtain said licenses and provide the city with proof of their issuance prior to the issuance of a city business license or any renewal thereof.
4. Neither the filing of a new or renewal application for a license shall authorize a person to engage in or conduct a business until such license has been granted or renewed.
5. Any business relocating to another address in the city shall reapply to have a new business license reissued to reflect the new address.
6. If more than one business is conducted on a single premises a separate license shall be required for each separate business conducted, operated, engaged in or practiced.
7. The license shall expire on the date established by the master license service and must be renewed on or before the expiration in order to continue conducting business in the city. The license term and fee may be prorated to accommodate the expiration date established by the master license service.
8. A single (master) business license will be issued to the owner of a business complex which has dealers/stations utilizing a common single cashiering function. The owner shall provide a list of the state department of revenue tax numbers for all tenants.

~~B.C.~~ General Qualifications Of Licensees:

1. No license shall be issued, nor shall any license be renewed, pursuant to the provisions of this chapter to:
  - a. An applicant who is under eighteen (18) years of age at the time of the application, unless he/she shall obtain the written consent of said applicant's parent or guardian to make said application;
  - b. An applicant who has had a similar license revoked or suspended, or its predecessor;
  - c. An applicant who seeks such a license in order to practice some illegal act or some act injurious to the public health or safety.



2. Any person, including city officials, may submit written complaints or objections to the city license officer regarding the application for any license, and the city license officer is additionally authorized to request and receive information from all city departments as will tend to aid her/him in determining whether to issue or deny the license. Such information shall be confidential unless a hearing is requested on the application, or if the applicant shall request the information in writing. All information, complaints or objections shall be investigated and considered by the city license officer prior to issuing, denying or renewing any license.

~~C.D.~~ License Nontransferable: Said license shall be personal and not transferable.

~~D.E.~~ Multiple Locations: If business is transacted at two (2) or more separate locations by the same person, a separate business license will be required for each location.

~~E.F.~~ Posting Of License: Each license shall at all times be conspicuously posted in each place of business.

~~F.G.~~ Allowing Another To Use License: No person to whom a license has been issued shall suffer or allow any other person for whom a separate business license is required to operate under or display his license.

~~G.H.~~ Fundraising Activities: Fundraising activities such as car washes that are conducted for not for profit organizations, to include schools, shall not require a business license, provided the service provided is offered on a donation only basis.

~~H.I.~~ Rebate: No rebate is allowed.

~~I.J.~~ License Transactions; Public Record: The city finance director shall keep a record of each person licensed to transact and carry on a business within the city. The records shall include appropriate information concerning the action of the city finance director in rejecting an application for a license, or in postponing the issuance of a license, and the action of the hearing examiner regarding a license. All such records are public records to the extent consistent with state and federal law.

~~J.K.~~ Limitations On License: Notwithstanding any provisions to the contrary, a license issued under this chapter shall not be issued to any person who uses or occupies or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provisions of an ordinance of the city of Long Beach, specifically including the city's zoning laws, or of the laws of the state of Washington. The granting of a business license shall in no way be construed as permission or acquiescence in a prohibited activity or other violation. Because the issuance of a license under this chapter specifically denies the applicant authority to violate any law or regulation, the city shall not be held liable for the actions of any licensed business by virtue of having issued a license to conduct business. (Ord. 873, 9-19-2011)

---

#### **4-1-3: EXEMPTIONS:**

To the extent set forth in this section, the following persons and/or businesses shall be exempt from the ~~itinerant~~ license fee requirements:

- M. A business licensed under the provisions of chapter 6 of this title for utility businesses.
- 

#### **4-1-6: SUSPENSION OR REVOCATION OF BUSINESS LICENSE:**

- A. The city finance director, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this title. Any license issued under this title may be suspended or revoked based on one or more of the following grounds:
1. The license was procured by fraud or false representation of fact;
  2. The licensee has failed to comply with any provisions of this title;
  3. The licensee has failed to comply with any provisions of this code;
  4. The licensee is in default in any payment of any license, fee, or tax owed to the city;
  5. The licensee or employee has been convicted of a crime involving the business.
- B. The city finance director, or designee, shall notify such licensee in writing by certified mail of the suspension or revocation of his or her license and the grounds therefor.
- C. Upon suspension or revocation of any license as provided in this section no portion of the license fee shall be returned to the licensee.
- D. No suspension or revocation of a license issued pursuant to the provisions of this section shall take effect until seven (7) days after the mailing of the notice thereof by the city, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the hearings examiner. All licenses which are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.
- E. Any licensee may, within seven (7) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal setting forth the grounds therefor with the city finance director. A copy of the petition must be provided by the licensee to the city finance director and the city attorney on or before the date the petition is filed with the hearings examiner. The city clerk shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearings examiner shall, after appropriate



findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license.

- F. The decision of the hearings examiner shall be final. The licensee and/or the city may seek review of the decision by the superior court of Washington in and for Pacific County within thirty (30) days from the date of the decision. If review is sought as herein prescribed the suspension or revocation shall be stayed pending final action by the superior court.
- 

#### **4-4-1: DEFINITIONS:**

For the purpose of this ~~chapter title, unless otherwise indicated~~, the following terms shall have the meanings ascribed to them in this section:

BUSINESS: ~~Any person, persons, partnerships, or corporations engaged~~ All activities in merchandising and/or selling a product or service for legal tender or trade engaged in with the object of direct or indirect gain, benefit, or advantage to a person, class, or entity.

~~OFF SEASON: The period of time in Long Beach outside of the traditional summer season. For the purpose of this chapter, the "off season" shall be September 15 through May 15.~~

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the city or from residence to residence therein, but shall not include solicitation or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant", as defined herein. If a peddler is also an "itinerant vendor" or "transient merchant", as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this ~~chapter title~~ relative to "peddling" are inconsistent with those relating to "itinerant vendors" and/or "transient merchants", the more restrictive provisions shall apply.

SELLER: A single person, ~~or husband and wife married couple, or and~~ any ~~charitable~~ organization.

SOLICITING: Means and includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this ~~chapter title~~.

---

**4-6-1: BUSINESS LICENSE REQUIRED:**

- A. License Required: No person or entity shall engage in or carry on any business, occupation, act, pursuit, or privilege for which a tax is imposed by Title 3, chapter 8 without first having obtained, and being the holder of, a valid and subsisting license so to do issued under the provisions of this chapter as hereinafter provided, and without also paying the license fee or tax imposed by Title 3, chapter 8.
- B. Application For Utility Business License: Applications for such licenses shall be made to and issued by the city finance department upon prescribed forms and giving such information as is deemed reasonably necessary to enable the finance department to administer and enforce Title 3, chapter 8. The fee or tax for a certificate shall be the tax imposed by Section 3-8-5 of this code. Licenses issued pursuant to the provisions of this chapter shall be personal and nontransferable, and shall be valid as long as the person or entity to whom the same is issued continues in business and complies with the provisions of this chapter and Title 3, chapter 8.
-



- 970 Determination of nonsignificance (DNS)
- 980 Determination of significance and scoping notice (DS)
- 985 Notice of assumption of lead agency status
- 990 Notice of action

(1988 Code § 16.04.280)

---

#### **5-1-10: SEVERABILITY**

- A. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (1988 Code § 16.04.270)
- 

#### **5-2-~~23~~: PUBLIC NUISANCE DECLARED AND DEFINED:**

- C. Code Violation as Nuisance. Notwithstanding any other definition of nuisance in this Chapter, a violation of any of the following titles of the Long Beach city code shall constitute a public nuisance and shall be subject to the provisions of Title 14 and to abatement as provided by law: Building Regulations (Title 10); Unified Development Regulations (Title 11), Zoning Regulations (Title 12) or Critical Areas Regulations (Title 13).

4. Time Limit To Begin Work: If work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance of the permit, the permit will expire, unless an extension(s) has been granted in writing by the building official for periods no more than one hundred eighty (180) days each. The permit will be canceled by the building official, and written notice must be given to the applicant. (Ord. 847, 8-17-2009)

B. Building Permit Fees:

1. The city hereby adopts by reference building permit fees, which are set forth in table 1-A of the 1997 uniform building code as amended and the building valuation data schedule as published in the most current "Building Safety Journal" of the International Code Council and are on file for inspection in the building department at the Long Beach city hall. Values of structures not listed in the schedule herein will be determined by a bid from a licensed contractor. Permit fees for work other than new construction and additions or not otherwise listed, including, but not limited to, alterations, remodeling, mechanical permits and demolition, shall be established by resolution of the city council.

a. All valuations based on materials only without a labor cost included that are less than \$5,000.00 will be doubled for the purpose of calculating permit fees.

2. Additionally, the fees for manufactured house placement are as follows:

Singlewide	\$250.00
Doublewide	\$350.00
Triplewide	\$450.00

3. Once an application is made and fee paid, an applicant may withdraw the application. If at the time of withdrawal plan review is not yet initiated, the city may refund up to fifty percent (50%) of the building permit fee. Once plan review is initiated, the city will retain the entire fee and refund shall not occur. (Ord. 868, 4-4-2011)

4. In accordance with Section 109.4 of the International Building Code, all work commencing before issuance of a building permit will result in a monetary fee of one hundred percent (100%) of the building permit fee in addition to the original permit fee, or a doubling of the fee.

- C. Water and Sewer Connection: No building permits for primary use structures shall be issued without the applicant having first paid water and sewer connection fees and secured a side sewer permit. (Ord. 847, 8-17-2009)



plats, changes to codes, and re-zonings. Substantial to complete discretion may be exercised by the city council as reviewer. Legislative review shall be subject to all permit processing procedures described in Subsection 11-2C-3A of this title.

---

**11-2C-14: APPEALS:**

- D. Administrative Decisions. An aggrieved person who is a party of record may appeal any final decision of an administrative official to the hearing examiner ~~(except for administrative design review decisions appealed to the city council under section 12-10-8 of title 12 [Zoning])~~. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within twenty one (21) fourteen (14) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the administrative approval, then the hearing examiner shall conduct an open record hearing. Otherwise, the appeal to the hearing examiner shall be a closed record appeal.
- ~~1. When an appeal of an administrative design review decision is made subject to procedures of section 12-10-8 of title 12 (Zoning), the city council shall request a recommendation from the planning commission before taking action.~~
- E. Planning Commission Decisions. An aggrieved person who is a party of record may appeal a planning commission decision to the hearing examiner-city council. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within twenty one (21) fourteen (14) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the planning commission decision, then the hearing examiner city council shall conduct an open record hearing. Otherwise, the appeal to ~~the-the hearing examiner-city council~~ shall be a closed record appeal.
- F. Hearing Examiner Decisions. An aggrieved person who is a party of record may appeal a hearing examiner decision to the Pacific County Superior Court-city or to the appropriate Shorelines Hearings Board or Growth Management Hearings Board-council, if the examiner's decision is not a "final action". The appeal must be in writing in accordance with this title and shall be filed with the city-court clerk within ~~fourteen (14)~~twenty-one (21) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the hearing examiner decision, then the Pacific County Superior Court -city-council shall conduct an open record hearing. Otherwise, the appeal proceeding of the to the-Pacific County Superior Court city-council shall be a closed record appeal. In the case of appeals from Administrative Decisions, all decisions under the Shorelines Management Act, and any other decision of the hearing examiner that is designated in the Long Beach Municipal Code as a final action, the appeal is to:
1. Pacific County Superior Court if it is subject to the Land Use Petition Act (RCW 36.70C);

TAB - C



**CITY COUNCIL  
AGENDA BILL  
AB 15-49**

**Meeting Date: August 17, 2015**

**AGENDA ITEM INFORMATION**

*Originator:*

***SUBJECT: Safe Haven –  
Authorize Staff to  
Acquire Engineering and  
Permit Support***

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

GB

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

***COST: N/A***

Water/Wastewater Supervisor

Tourism & Events Coordinator

***SUMMARY STATEMENT:*** Planning for the Safe Haven Tsunami Vertical Evacuation project is in full swing. The City has executed a Grant Agreement with Washington EMD in the amount of \$450,000 for design, environmental, and permitting services. With support of the City Engineer, City staff has issued a Request for Proposals (an RFP, attached), and has made that RFP available to the consulting engineering community. The project has been advertised in the Seattle and Portland editions of the Journal of Commerce and is also located on the City's website. Responding submittals are due to the City by end of business on September 7, 2015. Councilors Linhart and Hanson and Mayor Andrew will participate in consultant selection. Any Councilor wishing to review proposals should ask staff for a copy. Staff seeks authorization from Council to select (with the support of the City Engineer, Mayor, and Councilors) the most qualified engineering team and to enter into negotiations. Any Agreement would be brought to the Council under another agenda bill for review and for authorizing the Mayor to execute.

***RECOMMENDED ACTION: Authorize staff to review submittals, select the most qualified consultant, and enter into negotiations. Require staff to bring the negotiated agreement to the Council to authorize execution by the Mayor at a subsequent Council meeting.***





# **City of Long Beach, Washington**

## **REQUEST FOR PROPOSAL**

Release Date: August 7, 2015

**Professional Engineering Services for:**

### **SAFE HAVEN TSUNAMI VERTICAL EVACUATION STRUCTURE PHASE 1**

PROPOSALS DUE: Monday, September 7, 2015, by 2:00 PM

Proposal(s) shall be sealed and clearly marked with the Project Title.

Submit one (1) original hard copy, three (3) complete hard copies, and one (1) PDF electronic copy on CD of the Proposal to:

Contact Individual:

Gayle Borchard  
Community Development Director  
City of Long Beach  
115 Bolstad West  
PO Box 310  
Long Beach, WA  
98631360.642.4421  
[planner@longbeachwa.gov](mailto:planner@longbeachwa.gov)

**Proposals must demonstrate compliance  
with FEMA Procurement requirements  
found at 44 CFR Ch. I, (e).**

**Disadvantaged Business Enterprises are  
encouraged to propose on this project.**

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### Attachment

Attachment A – Summary Proposal Form

## **1.0 Introduction**

### **1.1 Background and Purpose**

The City of Long Beach, Washington, hereinafter referred to as the City, invites proposals from qualified consulting engineers to provide engineering services, permitting and support for Phase 1 of the proposed Safe Haven Tsunami Vertical Evacuation Structure project. The City intends to develop a first-of-its-kind in the U.S. vertical evacuation berm with the capacity to shelter in place approximately 850 persons for up to 12 hours. This berm must be designed to withstand both a nearby megathrust seismic event and the subsequent tsunami.

Long Beach is a low-lying coastal city located on an accreted sand peninsula immediately east of the Cascadia Subduction Zone (CSZ), and is at risk from both the seismic and tsunami components of a megathrust (M9+) earthquake. The last megathrust event on the CSZ occurred in 1700, and evidence exists that as a result of that event, land mass in the area permanently subsided six (6) feet or more. Recent studies demonstrate that the distance from Long Beach to safely higher ground is too great to reach, and that a tsunami from a CSZ megathrust event would result in substantial loss of life.

The purpose of this Request for Proposal (RFP) is to engage professional engineering consultant services to provide preliminary engineering, permitting assistance, design and final plans, specifications and engineering estimates (PS&E) for the Safe Haven Project.

### **1.2 Project Description and Objectives**

The proposed project is services for the design, bidding and award of a vertical evacuation hardened earth berm, approximately 32 feet in height located adjacent to the elementary school.

The preferred project site is located entirely within a Category IV wetland, currently maintained as a softball field.

The project must be designed to withstand a megathrust earthquake event on the Cascadia subduction zone and subsequent estimated tsunami event.

The total cost of the proposed project is estimated to be \$2.1 million.

### **1.3 Consultant Scope of Work**

The Consultant scope of work includes permitting, PS&E, contract documents, project bidding support.

The City will be hiring a separate consultant to perform and submit Joint Aquatic Resources Permitting Applications (JARPA) for the project. The selected firm will be providing technical assistance to both the City and the Consultant during this process.



The Consultant will provide the following, in association with this scope of work:

- Project Management
- Survey Services to support design
- Geotechnical Engineering to support design
- Geotechnical Drilling and Pothole Excavation to support the design
- Geotechnical Modeling to support the design
- Civil and Structural Engineering to support the design
- Preparation and submittal of necessary permits and environmental clearances, including SEPA and NPDES Stormwater General Permit for Construction
- Performing all Cultural Assessment services necessary to obtain all State and Federal Section 106 approvals
- Assisting the City and other environmental consultants with the preparation and submittal of Joint Aquatic Resources Permitting Applications (JARPA)
- Assisting the City with Public outreach, including stakeholder outreach to businesses and citizens in Long Beach and adjacent areas of Pacific County
- 30%, 50% and 90% Plans, Specifications, and Estimates
- Construction Staging Plan
- Final Plans, Specifications, and Estimate
- Obtaining Required Regulatory Review and Approvals of Construction Documents
- Bid and Award Support

The City anticipates providing limited program oversight and project management-level coordination and direction to the Consultant efforts, and will rely on the Consultant to provide technical expertise and project management resources to assist in delivery of the work. It is intended that the Consultant will work closely with City engineering and operations staff.

Approximately \$400,000 is budgeted for the Phase 1 work.

It is anticipated that the selected consultant will provide construction management services for the project, after the completion of Phase 1 work.

#### 1.4 Source of Funding/Funds Available

The proposed project is assisted by funds administered by the Washington State Military Department, Emergency Management Division (EMD), and originating from the Department of Homeland Security, Federal Emergency Management Agency (FEMA).

## 1.5 Project Schedule

The anticipated project timeline is indicated below. The City reserves the right to change the timeline as it deems may be in the interest of the project.

- Request For Proposal (RFP) Process - Aug/Sept 2015
- 30% and 50% Design, Preliminary Permitting - Oct 2015/Feb 2016
- Final Engineering - Feb/April 2016
- Regulatory Review and Permits Acquired – Feb/April 2016
- Bidding and Award - April/May 2016

## 1.6 RFP Schedule

The anticipated RFP timeline is indicated below. The City reserves the right to change the timeline as needed in the interest of the project.

- Request For Proposal (RFP) Released – August 7, 2015
- Final Day for Questions - September 1, 2015
- Proposals Due - September 7, 2015
- Evaluation of Proposals (short list if required) - September 7 - 11, 2015
- Interviews (if required) and Selection/Recommendation - September 11 - 30, 2015
- Contract Development - October 1 - 15, 2015
- City Approval - October 15, 2015
- Consultant Notice to Proceed - October 15, 2015

## **2.0 General Requirements**

### 2.1 Administrative Requirements

Proposers shall comply with all management and administrative requirements established by the Washington Administrative Code (WAC), the Revised Code of the State of Washington (RCW), and any known amendments or modifications, as applicable to providers licensed in the State of Washington.

All Proposers must register for the Plan Holders list to be considered responsive. To register, a Proposer shall email the individual listed on the cover page, and provide a single point of e-mail contact for each firm or team submitting a proposal. Registrants will be advised of any RFP addenda or additional information via the Plan Holder list.

### 2.2 Authorship

Proposers must identify any assistance provided by agencies or individuals outside the Proposer's own organization in preparing the proposal. No contingent fees for such assistance will be allowed to be paid under any contract resulting from this RFP.

All proposals and products submitted become the property of the City. It is understood and agreed that the prospective Proposer claims no proprietary rights to the ideas and written materials contained in or attached to the proposal submitted.

### 2.3 Cancellation of Award

The City reserves the right to immediately cancel an award if the contractual agreement has not been entered into by both parties or if new state regulations or policy makes it necessary to change the program purpose or content, discontinue such programs or impose funding reductions. In those cases where negotiation of contract activities are necessary, the City reserves the right to limit the period of negotiation to sixty (60) days, after which time funds may be unencumbered.

### 2.4 Confidentiality

Proposer shall comply with all applicable state and federal laws governing the confidentiality of information.

### 2.5 Conflict of Interest

All proposals submitted must contain a statement disclosing or denying any interest, financial or otherwise, that any employee or official of the City may have in the proposing firm or proposed project. A statement to this effect in the cover letter is sufficient in addressing this requirement.

### 2.6 Consortium of Agencies

Any consortium of companies or agencies submitting a proposal must certify that each company or agency of the consortium can meet the requirements set forth in the RFP.

### 2.7 Award of Contract

The contract award will not be final until the City and the Proposer have executed a contractual agreement. The contractual agreement consists of the following parts: (a) the basic provisions and general terms and conditions, (b) the special terms and conditions, (c) the project description and goals (Statement of Work), and (d) the budget and payment terms. The City is not responsible for any costs incurred prior to the effective date of the contract. The City reserves the right to make an award without further negotiation of the proposal submitted.

### 2.8 Debarment and Suspension

Proposer must certify that it is not debarred, suspended or otherwise excluded from, or ineligible for, participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension." Proposer must also certify that it will not contract with a subcontractor that is debarred or suspended. A statement to this effect in the cover letter is sufficient in addressing this requirement.

## 2.9 Disputes

The City encourages the use of informal resolution to address complaints or disputes arising over any actions in implementing the provisions of this RFP. Written complaints regarding the RFP process should be addressed to the Contact Individual indicated on the cover.

## 2.10 Equal Opportunity

Disadvantaged Business Entities are encouraged to propose on this project. Prime consultants are encouraged to seek DBEs for their teams. Proposals must demonstrate good faith compliance with 44 CFR Ch. I §13.36(e)(2)(i-v).

It is the policy of the City to require equal opportunity in employment and services subject to eligibility standards that may be required for a specific program.

No person shall, on the grounds of race, color, religion, sex, handicap, national origin, age, citizenship, marital status, political affiliation or belief, be denied employment or benefits, or be discriminated against as a consumer, administrator or staff person under any program or activity receiving funds under this RFP.

In compliance with Department of Labor Regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, no qualified handicapped individual shall be discriminated against in admission or access to any program or activity.

Proposer must agree to provide equal opportunity in the administration of the contract and its subcontracts or other agreements.

## 2.11 Insurance

Prior to the signing of a contract, the Proposer(s) selected must show evidence of a certificate of commercial liability for a minimum of \$1,000,000 identifying the City and its elected officials, officers, employees and agents as additional insureds. In addition, Errors and Omissions liability insurance coverage will be required for this project in the amount of \$2,000,000.

## 2.12 Late Proposals

A proposal received after the date and time indicated herein will not be accepted. No exceptions will be made.

## 2.13 Limitation

This RFP does not commit the City to award a contract, to pay any costs incurred in the preparation of a response to this RFP or to procure or contract for services or supplies. The City reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with all qualified sources, to waive formalities, to postpone award or to cancel in part or in its entirety this RFP if it is in the best interest of the City.

## 2.14 Interviews

An interview may be required of those Proposers whose proposals are under consideration. Proposers may be informed that an interview is desired and will be notified of the date, time and location the interview is to be conducted.

## 2.15 Single Audit Requirements

Any contract awarded as a result of this RFP may include the agreement to annually audit any contracts with the City. Audits shall be performed in accordance with OMB Circular A-128 or A-133 as appropriate and shall be received by the City within the 12 month period following the close of each fiscal year. Agencies not covered by federal single audit requirements may be responsible for an independent agency audit, which meets general accepted auditing standards.

## 2.16 Other Audit/Monitoring Requirements

In addition, auditing or monitoring for the following purposes will be conducted at the discretion of the City: Fund Accountability, Contract Compliance, and Program Performance.

## 2.17 Subcontracting

No activities or services included as a part of this proposal may be subcontracted to another organization, firm, or individual without the approval of the City. Such intent to subcontract shall be clearly identified in the proposal. It is understood that the Proposer is held responsible for the satisfactory accomplishment of the service or activities included in a subcontract.

## 2.18 Verbal Proposals

Verbal proposals will not be considered in making the award of any contract as a result of this RFP.

# **3.0 Proposal Preparation and Submittal**

## 3.1 Request for Proposal (RFP) Process

It is the City's intent to select a consultant based on the qualifications and abilities of the firm, the team and key project individuals. Proposers may be individual firms or teams as appropriate to meet the specific needs of the project. These instructions were developed to aid in proposal development. They also provide for a structured format so reviewers can systematically evaluate proposals. These directions apply to all proposals submitted.

## 3.2 Pre-Proposal Conference

No pre-proposal conference or site visit will be held for this RFP.

## 3.3 Proposal Clarification

Questions regarding this RFP must be directed in writing, via email, to the Contact Individual indicated on the cover. All correspondence must have "Safe Haven RFP Request For Information" in the subject line. The deadline for submitting such questions is seven (7) calendar days prior to the due date for proposals. An addendum will be issued no later than 72 hours prior to the proposal due date to all Proposers listed on the Plan Holders list, if a substantive clarification is required.

### 3.4 Proposal Submission

It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date/time, and at the location specified.

By submitting a response, the Proposer is accepting the general instructions and conditions of this RFP, the City's Consultant Services Contract.

### 3.5 Proposal Format

The original and each copy of the proposal package must include all of the sections in the order indicated.

At the time of submission, the proposal must provide a full description of all services following the outline presented in the following section. The proposal must enable readers to understand how the Proposer intends to use these public funds and what measurable outcomes are expected to be achieved.

Proposals must be clear, succinct, and not to exceed the pages specified in the following section. All text shall be 12-point font size or larger and lines shall be single spaced or greater.

A page is defined as a single side of a sheet. Each printed side of a sheet is a page; if a sheet is printed on both sides, it is considered to be two pages. A page is further defined as 8.5 x 11 for text and 8.5 x 11 or 11 x 17 for supplemental drawings, pictures, and diagrams. Cover, section dividers, title page, table of contents, and appendices do not contribute to the overall page count.

The City encourages the use of readily recyclable materials where possible. Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable.

### 3.6 Proposal Organization and Content

Proposals shall be organized in the following manner:

#### 1. Proposal Summary Form - 1 page.

The attached Proposal Summary Form (**Attachment A**) must be signed by a person authorized to make proposals and enter into contract negotiations on behalf of your firm. The Proposal Summary Form shall follow the proposal cover.

#### 2. Cover Letter - 2 pages.

Letter shall include conflict of interest statement per General Requirements 2.5 and statement of debarment and suspension per General Requirements 2.8. The cover letter must be signed by the firm Principal assigned to the project.

#### 3. Table of Contents - no page limit.

4. Project Understanding and Approach - 6 pages.

The Proposer shall indicate its overall understanding of the intent of the project and specific issues that are considered to be important for the work contemplated. The project understanding and project approach shall address scope and schedule of this effort, including the topics indicated in Section 1.3.

The Proposer shall also include a detailed description of the work tasks to be performed, with identification of all deliverables, as well as a task schedule identifying all dependencies.

5. Project Team, Experience and References - 10 pages.

The Proposer shall indicate:

- A description of the firm (or team firms), location of principal offices, and number of professional personnel available to work on the project.
- The proposed project team members and time commitment of each key team member to the project; the overall organization and structure of the proposed team outlining key interactions and responsibilities, with special emphasis on the project manager function.
- An organizational diagram identifying project principal, project manager, and key personnel and their project roles.
- Descriptions of geotechnical/civil/structural projects dealing with hydraulic scour protection, seawall/bank erosion protection, seismic anchoring/restraints and/or enhancements, or other relevant work performed in the last five (5) years, including at least two (2) in the State of Washington, Oregon or California, which best characterize capabilities, work quality and cost control. Although the City understands that this type of project has not been performed before, the emphasis of the examples should be on projects of similar nature and complexity to the project being proposed.
- References for those projects identified, including or in addition to, five (5) references who may be contacted concerning your firm's/team's performance with regard to the Scope of Work. Include the name of the client, mailing address, telephone number, email address, contact person, and the specific work your firm performed for the client, including the estimated construction cost and year the project was completed (constructed or designed).
- A description of how your proposal complies with 44 CFR Ch. I §13.36(e)(2)(i-v).
- A description of any exceptions, additions, or suggestions that will aid the selection process.

## 6. Appendices (no page limit)

The Proposer may include:

- specific project experiences and references for individuals;
- résumés for individuals - limited to 2 pages each;
- any other supporting information the Proposer deems necessary.

### 3.7 Proposer Cost information and Rate Schedules

This is a competitive qualifications-based selection process, no cost information of any type shall be provided in your submittal.

### 3.8 Support Documents

Proposers may obtain the following background information (and much more, if interested) in electronic format from the City's website, at [www.longbeachwa.gov](http://www.longbeachwa.gov).

City Engineering Contract

Project Description

Conceptual drawings (these are ideas, not a guide for engineering design)

Tsunami Hazard Assessment of the Elementary School Berm Site in Long Beach, WA (most recent modeling)

Project Wetland Delineation (in 2 files)

Tsunami Safe Haven Project: Report for Long Beach, WA – April 2010

Project Safe Haven: Vertical Evacuation Structures Conceptual Cost Analysis

Landslide and Liquefaction Maps for the Long Beach Peninsula, Pacific County, Washington. Effects on Tsunami Inundation Zones of a Cascadia Subduction Zone Earthquake. October 2013. (4 separate files – main text body + 3 maps)

Project Safe Haven: Vertical Evacuation on the Washington Coast, Pacific County-  
[http://www.crew.org/sites/default/files/PacFinal\\_small.pdf](http://www.crew.org/sites/default/files/PacFinal_small.pdf)

Cascadia Region Earthquake Workgroup - <http://www.crew.org/>

Guidelines for Design of Structures for Vertical Evacuation from Tsunamis. Second Edition (FEMA P-646) - <https://www.fema.gov/media-library/assets/documents/14708>

<https://www.facebook.com/ProjectSafeHaven>

## **4.0 Consultant Evaluation Process and Scoring**

### 4.1 Evaluation Process

A review committee will be appointed to evaluate the proposals received in response to this RFP. For the purpose of scoring proposals, each committee member will evaluate each proposal in accordance with the criteria and point factors listed below. The Review Committee will proactively solicit input from a cross-section of interests within the City. The Review Committee may also seek outside expertise to assist in evaluating proposals. During the evaluation process,



the Review Committee has the right to require any clarification it needs in order to understand the Proposer's view and approach to the project and scope of the work.

The Review Committee recommendations and a Consultant Services Contract will be presented to the City Board of Commissioners for approval at a regularly scheduled board meeting.

The City reserves the right to make a recommendation for selection after proposal evaluation and further reserves the right to reject all proposals.

The successful Proposer will be selected by the following process:

#### *Part 1 - Initial Screening of Proposals*

The Review Committee will review the proposals for compliance with the RFP requirements. Proposals found to not comply with the RFP requirements may be disqualified from further consideration.

#### *Part 2 - Scoring of Proposals*

The Review Committee will score the proposals based on the information submitted according to the evaluation criteria and point factors. Proposals will be considered exactly as submitted, except where formal clarification has been requested by the Review Committee as noted above. See Section 4.2 for further information.

#### *Part 3 - Interviews*

Following evaluation of the proposals, the highest-ranking Proposers may be invited to participate in an interview process. The City will notify Proposers as soon as possible for scheduling of interviews. The Contact Individual will schedule interviews with the contact person provided in the proposal. Additional interview information may be requested at the time of the invitation. The intent of interviews is to help clarify and verify information provided in the proposal and to give the Review Committee an opportunity to meet the project manager and key personnel that will have direct involvement in the project. If interviews are necessary, the scores from the written proposals will be considered preliminary.

#### *Part 4 - Contract Negotiation*

The Review Committee will make a recommendation to the Contact Individual to begin negotiations with the selected Proposer. If the selected Proposer and the Contact Individual are unable to agree on the final scope and fee, the City reserves the right to terminate the negotiations with the selected Proposer and initiate contract negotiations with the next highest rated Proposer. The contract negotiation process will be considered complete when a Consultant Services Contract has been approved by the City Board of Commissioners.

#### 4.2 Scoring

Each proposal received in response to the RFP will be objectively evaluated and rated according to a specified point system. A one hundred (100) point system will be used and weighted against the following criteria:

<u>Criteria</u>	<u>Points</u>
Project Understanding and Approach	50
<u>Project Team, Experience and References</u>	<u>50</u>
Total Points Available	100

Attachment A

**PROPOSAL SUMMARY FORM**  
REQUEST FOR PROPOSAL FOR  
SAFE HAVEN TSUNAMI VERTICAL EVACUATION STRUCTURE PHASE 1

General Information

Legal Name of Applicant Firm \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Contact Person \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail Address \_\_\_\_\_

Tax Identification Number \_\_\_\_\_

Did outside individuals or agencies assist with preparation of this proposal?

\_\_\_\_\_ Yes \_\_\_\_\_ No      If yes, describe:

I certify that to the best of my knowledge the information contained in this proposal is accurate and complete and that I have the legal authority to commit this firm to a contractual agreement. I realize the final funding for any service is based upon available funding levels, and the approval of the City of Long Beach, Washington.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **SUMMARY PROJECT DESCRIPTION FOR THE SAFE HAVEN VERTICAL EVACUATION PROJECT**

Please be aware this summary reflects thinking at the time the description was developed, several years ago. This summary description does not reflect any preference the City has regarding design.

### **SYNOPSIS**

The intent of this project is to save human life in the event of a major tsunami. The project is to construct one vertical evacuation hardened earth berm centrally located in Long Beach and adjacent to an elementary school to maximize the opportunity for the most people to reach this artificial "high ground", and in particular children and their teachers and caregivers.

### **PURPOSE AND NEED**

Long Beach, Washington is a small coastal city located on a peninsula that is an accreted sandbar comprising sediment from the nearby Columbia River. Long Beach is directly east of and proximate to the Cascadia Subduction Zone. That zone is capable of producing a megathrust earthquake (M9 or greater), with resulting landfall of up to 2 meters, severe ground shaking, liquefaction, differential settlement, and tsunami waves of 10 meters at the Washington coastline. The entire city is located within the projected inundation area of such a seismic event. The last known great event on this zone was in 1700, and another great event is predicted to have a 10-14% chance of occurring in the next 50 years. These events are considered low in probability, high in vulnerability, and moderate in risk by the Pacific County Hazard Mitigation Plan.

Long Beach is a visitor-serving city, with its "high" season the summer months between June and October. On any summer day, Long Beach is home to approximately 1,400 permanent residents, 2,100 seasonal, 1,500 seasonal employees, and 5,000 visitors (estimate). In addition, there is an elementary school and a pre-school located in the town, with approximately 350 students and staff on campus at any given time. Therefore, should a major seismic event occur during a summer day, about 10,000 people would be in jeopardy, with no high ground available as a safe haven within a reachable distance. The purpose of the proposed project is to provide a tsunami refuge for approximately 800 people, paying particular attention to providing a tsunami refuge to the town's school aged children and their caretakers. Another purpose of the project not related to hazards is for the berm to serve as a community recreational feature for adults and children alike.

### **LOCATION**

The project would be located on a parcel adjacent to the Long Beach Elementary and Pre-school, at the eastern end of 5th Street Southeast in Long Beach. This centrally-



located site can be reached quickly not only by school children, but by anyone in the downtown area of Long Beach.

The proposed project site is currently primarily a softball field and partially a wooded parcel located at the eastern limit of the elementary/pre-school grounds. Immediately to the north of and adjacent to the school grounds are three other softball fields, and the loss of the proposed site as a ball field would not put a strain on child activities. The field, while regularly mown and maintained as a recreational facility, is also a low-value wetland. Most vacant 1 acre+ parcels of land on the eastern side of Long Beach where a tsunami structure is best located have wetland characteristics. In addition, while there are other sites available, they are already slated for construction of future elements of the Safe Haven Program. Use of this wetland site will require that mitigation be implemented to compensate for the loss of wetland functions and values.

To the north of the proposed site is Culbertson Park, an active recreation park. East of the site is a drainage ditch, and beyond that are undeveloped woodlands. To the south is a lumber yard and woodlands. To the west is the Long Beach Elementary School and Pre-school, and beyond that downtown Long Beach. To the further west is the Pacific Ocean. Further study is necessary to understand the nature of project site deeper soils and stratigraphy.

## **DESCRIPTION**

The proposed project is the first project slated for construction under the larger Safe Haven Program, comprising 20 proposed tsunami safe haven facilities in Pacific County, Washington. The Safe Haven Program is a research and outreach effort that comprises the planning portion of the proposed project's development. Safe Haven combines academic study of tsunami refuge options with extensive community involvement to develop feasible, effective, and community-supported tsunami refuge facilities.

The proposed project would be an armored, hardened earth berm with an access ramp. The berm would be a "high ground" safe haven for approximately 800 people during a major tsunami event. The berm would be constructed in compliance with the "Guidelines for Design of Structures for Vertical Evacuation from Tsunamis" (FEMA P646, June 2008). The footprint of the proposed project would be approximately one acre, with the sheltering area approximately 8,000 square feet. The height of the berm at 34' was determined by future tsunami run-up modeling conducted by the State of Washington plus the requirements of P646 found at section 5.3: Elevation Considerations. The berm will require a substantial foundation to withstand an estimate M9+ seismic event on the Cascadia Subduction Zone as well as the subsequent tsunami waves and debris flows. Elements of the structure may be purposefully sacrificial.



TAB - D



**CITY COUNCIL  
AGENDA BILL  
AB 15-50  
Meeting Date: August 17, 2015**

**AGENDA ITEM INFORMATION**

<b>SUBJECT: TIB Grant application approval</b>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	David Glasson
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
	Tourism & Events Coordinator	
<b>COST: \$9,556</b>		
<b>SUMMARY STATEMENT:</b> Staff has been working to find streets that have the highest probability of funding. In the attached application, we have selected three streets that are likely to be funded. The TIB programs is good for small cities in that we only have to come up with a 5% match. Total estimate for this project is \$191,119 and our portion would be \$9,556.		
<b>RECOMMENDED ACTION:</b> <i>Authorize the Mayor to sign the application.</i>		



## 2015 SMALL CITY PRESERVATION PROGRAM

Mail **ONE** signed application and required attachments to the TIB Office no later than **August 21, 2015**.

The mailing address for the TIB Office: Post Office Box 40901 ♦ Olympia WA 98504-0901

For assistance contact Clint Ritter, TIB Project Engineer, at (360) 586-1151 or via email at [ClintR@tib.wa.gov](mailto:ClintR@tib.wa.gov)

Agency Name LONG BEACH Legislative District(s) 19

Arterial Names 3rd Street S, 13th Street S, 17th Street S Congressional District(s) 3

Length in feet 1,650 Feet Find Legislative or Congressional District

Agency Contact David Glasson Phone Number 360-642-4421

Email Address dglasson@longbeachwa.gov

### ELIGIBLE FACILITIES

- ▶ All paved city streets except state highways. (overlay & chip seal)
- ▶ All surfaced sidewalks at least 4 feet wide within city owned right of way. (sidewalk maintenance)

### APPLICATION ATTACHMENTS

Include the following attachments with your application

- ☐ Written documentation from provider (if applicable)
- ☒ Street map indicating the requested segments.
- ☒ Overlay, Chip Seal, or Sidewalk Maintenance application with segment details
- ☒ Written concurrence from WSDOT if project is on or connects to a state highway
- ☒ Signed engineer's estimate OR TIB project cost calculator

For which type of project are you applying? Overlay

How are you showing project costs?

- ☒ Signed engineer's estimate showing with segment cost breakdown
- ☐ TIB project cost calculator found on the application tabs

### INSTRUCTIONS

1. Fill out the Main Application
2. Fill out the segment data on the Overlay Application tab, excluding the cost figures
3. Include a signed engineer's estimate with cost breakdown of each segment

### PROJECT SCHEDULE

Enter target dates

	Date
Start Design Engineering	<u>Jan 2016</u>
Contract Advertisement	<u>Jun 2016</u>
Contract Completion	<u>Sep 2016</u>

## PROJECT FUNDING

### TIB Fund Distribution

Is TIB funding distributed proportionally through the project phases? YES

Enter Requested Total TIB Funds \$ 181,563

Maximum TIB Ratio 95.0%

Enter the Total Project Costs to the nearest dollar in cells F47 to F50

	Total Project	TIB Funds	Local Funds
Design Engineering	22,052	20,949	1,103
Construction Engineering	22,052	20,949	1,103
Construction Other		0	
Construction Contract	147,015	139,664	7,351
<b>TOTALS</b>	<b>191,119</b>	<b>181,563</b>	<b>9,556</b>
Noneligible Engineering Engineering exceeding <b>30%</b> of construction costs is not eligible for TIB reimbursement			<b>0</b>
Other Noneligible Costs (i.e. landscaping, utility undergrounding, sound walls)			
TOTAL ELIGIBLE COST			<b>191,119</b>
TIB Matching Ratio Total TIB Funds/Total Eligible Cost			<b>95%</b>

## FUNDING PARTNERS

Source	Public or Private	Commitment Letter	Amount
LONG BEACH	Public		9,556
<b>TOTAL</b>			<b>9,556</b>
<b>Local funds are correct</b>			

## CERTIFICATION

Certification is hereby given that the information provided is accurate and the applicable attachments are complete and included as part of the application package

\_\_\_\_\_  
Mayor Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed or Typed Name





# Small City Preservation Program (SCPP) OVERLAY APPLICATION



**Transportation Improvement Board**  
Post Office Box 40901 ♦ Olympia, WA 98504-0901 ♦ (360) 586-1140

APPLICATION SUMMARY				TIB-PROJECT COST CALCULATOR								
Segments Submitted		5 segments		Enter the unit costs for elements of work in the spaces provided								
Length Submitted	1-650 feet/0.31 miles	Contact Person	David Glasston	Item	Unit Cost	Unit						
Estimated Tonnage	460 tons	Phone Number	360-642-4421	Hot Mix Asphalt		per ton						
Material Cost		Email Address	dglasston@longbeachwa.gov	Grinding		per sq yd						
Engineering Cost				Prelevel		per ton						
Traffic Control Cost				Geotextile Fabric		per sq yd						
Total Cost				Digouts		per sq ft						
GRANT SUMMARY				Crack Seal		per LF						
Local Match-Percent	5%			ADA ramps		each						
Required Match												
Additional Match												
Grant Amount												
Street Name	Termini	Section Length in Feet	Pavement Width in Feet	Sidewalk Placement	Sidewalk Condition	Ramps to be upgraded	Depth of overlay	Grind Segment	Prelevel Segment	Use Geotextile Fabric	Digout Area in Sq Ft	Segment Crack Seal in Feet
3rd SW	Ocean Beach Blvd to Pacific Ave	250	22	One Side	Fair	0	2-inch	Yes	No	No	0	0
3rd Street S	Pacific Ave to Mid Block East	250	22	Both Sides	Good	0	2-inch	Yes	No	No	180	0
3rd Street S	Washington Ave to East City Limit	250	22	None		0	2-inch	Yes	No	No	0	0
13th Street S	Ocean Beach Blvd to Pacific Ave	450	22	None		0	2-inch	Yes	No	No	90	0
17th Street S	Ocean Beach Blvd to Pacific Ave	450	22	None		0	2-inch	Yes	No	No	315	0

**Small City Preservation Program (SCPP)  
OVERLAY APPLICATION**

Street Name	Termini	Section Length in Feet	Pavement Width in Feet	Sidewalk Placement	Sidewalk Condition	Ramps to be upgraded	Depth of overlay	Grind Segment	Prelevel Segment	Use Geotextile Fabric	Digout Area in Sq Ft	Segment Crack Seal in Feet

**ECONOMY OF SCALE INFORMATION**

Briefly describe how you propose to gain economy of scale in the space provided.

**MAYOR CERTIFICATION**

I agree with the contents of this application and concur with the proposed work. The information provided is accurate and the required attachments are complete and included as part of the application package.

**ATTACHMENT**

- ▶ Street map indicating repair segment locations
- ▶ Written documentation from provider

Signature \_\_\_\_\_ Date \_\_\_\_\_

**TAB - E**



**CITY COUNCIL  
AGENDA BILL**

**AB 15-51**

**Meeting Date:**

**August 17, 2015**

**AGENDA ITEM INFORMATION**

***SUBJECT: Ordinance  
922 extends the existing  
Line of Credit  
established by  
Ordinance 883***

***Originator:***

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Tourism & Events Coordinator

David Glasson

***COST: N/A***

***SUMMARY STATEMENT:*** This Ordinance re establishes the a non revolving line of credit not to exceed \$300,00 to provide interim financing for extraordinary legal costs arising out of certain litigation relating to the construction of the City's water plant.

***RECOMMENDED ACTION: Adopt Ordinance 922.***

CITY OF LONG BEACH, WASHINGTON

ORDINANCE NO. 922

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON, AMENDING ORDINANCE NO. 883 TO EXTEND THE TERM OF THE CITY'S WATER AND SEWER REVENUE BOND ANTICIPATION NOTE, 2012.

WHEREAS, the City Council of the City of Long Beach, Washington (the "City") passed Ordinance No. 883, establishing a nonrevolving line of credit in the aggregate principal amount of not to exceed \$300,000 to provide interim financing for extraordinary legal costs arising out of certain litigation relating to the construction of the City's water treatment plant; and

WHEREAS, the City issued its Water and Sewer Revenue Bond Anticipation Note, 2012 (the "Note") to Bank of the Pacific of Long Beach, Washington (the "Bank") to evidence the line of credit; and

WHEREAS, it is in the best interest of the City to extend the term of the Note;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DO ORDAIN as follows:

Section 1.     Extension of Term.   The maturity of the Note shall be extended from September 1, 2015 to September 1, 2018.

All other provisions of Ordinance No. 883 shall remain unchanged.

Section 2.     Expenses.   The City agrees to pay the Bank a renewal fee of \$1,500 as specified in the Bank's Amendment Letter, which is attached hereto as Exhibit A.

Section 3.     General Authorization.   The City Administrator, Treasurer, City Clerk and other appropriate officers of the City are authorized to take any actions and to execute documents as in their judgment may be necessary or desirable in order to carry out the terms of, and



complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.

Section 4.     Prior Acts. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 5.     Effective Date. This ordinance shall be effective five days from and after its passage, approval and publication as required by law.

PASSED by the Council of the City of Long Beach, Washington, and approved by its Mayor at a regular meeting thereof held this 17<sup>th</sup> day of August, 2015.

CITY OF LONG BEACH, WASHINGTON

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

EXHIBIT A

BANK AMENDMENT LETTER



Monday, August 03, 2015

City of Long Beach  
David Glasson  
P.O. Box 310  
Long Beach, WA 98631

RE: Water and Sewer Revenue Bond Anticipation Note, 2012

The above Bond Anticipation Note, 2012 matures on September 1, 2015. This letter will serve as an Amendment letter to extend the maturity date. This offering is to extend the maturity date to September 1, 2018.

This private Bond issue is approved based on the following conditions:

Loan Amount: \$300,000. Revenue Anticipation Note

Interest Rate: 3.15% fixed rate for a three year term, non revolving line of credit for the payment of extraordinary expenses. A half of one percent loan fee can be advance from the loan or paid in cash.

Payment Terms: Quarterly interest payments on outstanding principal balance. Due in full on or before September 1, 2018

Maturity: September 1, 2018.

Collateral: Revenue Anticipation Note. Issue by the City of Long Beach Bonding Attorney; Foster Pepper PLLC. The Bond will have the full faith, credit and taxing power of the City pledge, also to include cash and revenues, with promise to repay by issue of a long term amortizing revenue obligation bond. The Revenue Anticipation Note will be issued tax exempt to provide funds to pay for extraordinary expense.

Expenses: City will be obligated to pay fees charged by Bond Attorney, Foster Pepper to issue Revenue Anticipation Note.

Long Beach Regional Office

1007 S. Pacific Highway | P.O. Box 738 | Long Beach, WA 98631

Records: Borrower agrees to provide bank with financial or other information that the Bank may reasonably request from time to time necessary to ascertain the financial condition of the City of Long Beach. This will include providing State Audited, Annual Reports, Annual Budget and Water-Sewer Utility CPA prepared financial statements, within a reasonable amount of time, not to exceed 120 days from the filing dates.

Other Conditions:

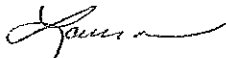
- Amended Bond Anticipation Note
- Resolution by the City Officials
- No Prepayment Penalties
- Draft Ordinance for long term General Revenue Obligation Bond

To further proceed with this Amendment request, please sign the acceptance and return to my attention.

This Amendment commitment will expire by August 10, 2015.

If you should have any questions please do not hesitate to contact me, 360-642-1090.

Sincerely,



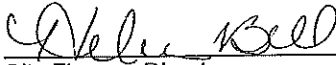
Laura C. Smith  
Vice President  
Long Beach Branch

Borrower hereby agrees to the conditions set forth herein and further acknowledges that this loan agreement does not create a commitment by Lender to disburse any funds pursuant hereto.

ACCEPTED AND AGREED TO THIS 3rd DAY OF August, 2015.

City of Long Beach

BY:   
City Administrator

BY:   
City Finance Director  
TREASURER

**TAB — F**



# *Long Beach Police*

P.O. Box 795  
Long Beach, WA 98631

lbpdchief@centurytel.net

Phone 360-642-2911  
Fax 360-642-5273

08-01-15

Page 1 of 2

To: Mayor Andrew and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for July 2015

During the month of July the Long Beach Police Department handled the following cases and calls:

## Long Beach

**901** Total Incidents

Aid Call Assists: 7

Alarms: 10

Animal Complaints: 18

Assaults: 15

Assists: 98

(Includes 17 Law Enforcement Agency Assists Outside City Boundaries)

Burglaries: 6

Disturbance: 59

Drug Inv.: 10

Fire Call Assists: 12

Follow Up: 154

Found/Lost Property: 47

Harassment: 8

Malicious Mischief: 6

MIP – Alcohol: 0

MIP – Tobacco: 0

Missing/Found Persons: 8

Prowler: 3

Runaway: 1

Security Checks: 171

Suspicious: 48

Thefts: 27

Traffic Accidents: 11

Traffic Complaints: 25

Traffic Tickets: 18

Traffic Warnings: 95

Trespass: 12

Warrant Contacts: 12

Welfare Checks: 20

## Ilwaco

**464** Total Incidents

Aid Call Assists: 3

Alarms: 4

Animal Complaints: 4

Assaults: 4

Assists: 46

Burglaries: 4

Disturbance: 33

Drug Inv.: 4

Fire Call Assists: 0

Follow Up: 94

Found/Lost Property: 9

Harassment: 4

Malicious Mischief: 0

MIP – Alcohol: 0

MIP – Tobacco: 0

Missing/Found Persons: 2

Prowler: 0

Runaway: 2

Security Checks: 174

Suspicious: 18

Thefts: 8

Traffic Accidents: 3

Traffic Complaints: 4

Traffic Tickets: 6

Traffic Warnings: 19

Trespass: 4

Warrant Contacts: 6

Welfare Checks: 9

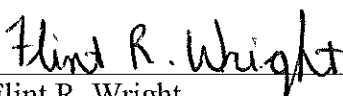
The July 4<sup>th</sup> weekend was very busy. The crowd size was larger than any July 4<sup>th</sup> in recent memory. Ilwaco's show on the 3<sup>rd</sup> went well. There was a good turnout, the weather was perfect and the crowd was very well behaved. On the 4<sup>th</sup> the beach was more crowded than at any time in the past 10 years. To give you some idea on the size of the crowd in Long Beach we usually have to direct traffic off the beach at Bolstad, when the show is over, for about 1 hour. This year we had to direct traffic for almost 2 ½ hours. For as many people as we had here, the amount of alcohol that was consumed and the large amount of explosives present, the weekend went very well. As stated we were busy but considering what could have happened I was very pleased with how the weekend went.

On July 8<sup>th</sup> I met with local law enforcement for a Rod Run planning meeting.

Sandsations was held on July 18<sup>th</sup> this year. The crowds were very large and we had no issues associated with the event.

On the 24<sup>th</sup> the Peninsula Saddle Club Rodeo parade was held. I rode in it and the department provided traffic control.

I met with representatives from Willapa Behavioral Health and Ocean Beach Hospital to discuss ongoing issues with persons suffering with mental illness in our area. The meeting was held on the 27<sup>th</sup>.

  
\_\_\_\_\_  
Flint R. Wright  
Chief of Police

## ***Tourism & Events Department – July 2015 Staff Recap***

### **Package Travel includes groups & Cruise Ships:**

- Trolley has carried 707 passengers to the Lewis & Clark Interpretive Center off the Queen of the West.
- Provided Trolley for a Wedding Party Rental July 18<sup>th</sup>.
- Provided 50 peninsula information bags for out of town bridal party July 18<sup>th</sup>.
- Hosted 14 people from the Tacoma Parks and Recreation day trip July 17<sup>th</sup>.
- Chairperson for the Washington Package Travel Delegation & Conference Calls.
- Group Tour from Southwest Excursions took place July 31<sup>st</sup>. Day trip to Washington Side
- Assisting with Lodging Accommodations for upcoming wedding next year.
- Assisting brides with getting married in Long Beach. Lodging, Beach access, etc.
- Working with Sun Fun Tours on fall 2015 and spring 2016 itineraries.

### **SummerFest:**

- Weekly Contract with Entertainment
- Sidewalk Chalk art Contest (25 participants)
- Corresponding with performers for logistics with sound and stage opening
- Social Media and promoting activities weekly
- Hosted Beach Safety Event with Surf Rescue and Natalie Hanson. 250 Beach buckets filled with Safety information were distributed.

### **Festivals & Events:**

- Passed out garbage bags to visitors for 4<sup>th</sup> of July.
- Passed out schedule of events activities for 4<sup>th</sup> of July weekend.
- Attended meetings and assisted with logistics for SandSations.
- Assisted in logistics for Long Beach Rodeo Parade and Jr. Rodeo Parades.
- Attended a planning meeting with Crisis Support Network regarding 5K Domestic Violence Awareness Run.
- Attended July VB meeting and gave brief report at the Lost Roo.
- Submitted Trolley information for Kite Festival Program.
- Submitted Long Beach information for a Rod Run publication and the trolley schedule.
- Submitted to Ocean Beach School District 2016 Long Beach event dates for Community Calendar.
- Jake's Birthday logistics meeting
- Attended Long Beach Merchants Board Meeting

- Attended Long Beach Merchants Ribbon Cutting at Coastal Coffee Roasters and Long Beach Inn and Suites.
- Squirting Razor Clam has raised \$792.50 since January.

**Columbia Pacific Farmers Market:**

- Weekly Contracts for Entertainment
- Distributing Rack Cards and Promotional Materials
- Assisting with Social Media for the Market
- Referring Vendors and Volunteers for Katie

**City of Long Beach**  
**Summary of Report of Decision**

On August 5, 2015, the Hearing Examiner for the City of Long Beach, Washington did issue a report of decision for the following application:

**Project: Application CUP 2015-01**, The Dennis Company of Long Beach, Washington, requested a Conditional Use Permit to allow construction and operation of an approximately 720 square foot storage building accessory to the existing Dennis Company retail use and structure in the OT–Old Town zone at the northeast corner of 2<sup>nd</sup> Street Northeast and Pacific Highway North. The site is currently used for storage and parking, and will continue to be used for that purpose. As a commercial building of less than 4,000 square feet of gross floor area, the proposed project is categorically exempt from requirements of the State Environmental Policy Act pursuant to WAC 197-11-800 (b)(iv).

**Decision:** Approved per the findings and conditions in the Report of Decision.

The complete Report of Decision for the above-referenced project is available for review at Long Beach City Hall, 115 Bolstad Avenue West, Long Beach Washington.

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Chinook Observer: Please publish August 12, 2015



# **LBPVB –Monthly Destination Marketing Report - July 2015**

**Web** Traffic : Visits -66,672 Unique Visitors - 48,574 Total hits - 199,633

New visitors-34% New blogs - 3

## **Social Media**

*Facebook* – Currently 8,107 fans with 162 new followers in July.

\* 118 organic (non-paid) "likes" between July 11 and Aug. 11. In comparison, 90 between June 11 and July 11; 98 between May 11 and June 11; 89 between April 11 and May 11.

\* Top posts of summer: 1) "Washington's 20 Best Beaches" by Outdoor Project. Posted July 15. 4,734 people reached. 2) "Happy 117th Birthday North Head Lighthouse" flyer. Posted June 1. 4,290 people reached.

\* Videos have highest average reach (1,311); links have second highest average (913).

\* 73 percent of our Facebook "fans" are women.

*Twitter*: 887 followers as of Aug. 11. Averaging about 16 new followers per week.

\* Over past 28 days from Aug. 11: 25.5k impressions (up 87.7% compared to previous 28 days.) Profile visits up 135.5%, mentions up 159.3%, followers up 67, tweets linking to us up 27.3%.

\* Top new followers: Svein T Veitdal, Norwegian climate scientist, (141k followers); and TheCurryGuy (63.5k followers)

*Pinterest*: Holding steady at 30 boards, 967 pins and 169 followers. We anticipate increases by late August.

*Instagram*: Holding steady at 329 photos and 410 followers. We anticipate increases by late August.

## **Email**

Consumer direct e-news sent July 9, 2015

<http://www.graphicmail.com/new/viewnewsletter2.aspx?SiteID=58657&SID=0&NewsletterID=1292811>

\* Sent to 13,777 contacts, open rate 14.95%, click-through rate 12.55%

## **Public Relations**

Summer Music <https://funbeach.com/press/washingtons-long-beach-peninsula-presents-irresistible-line-up-of-summer-music-festivals/>

Andi Day-WTA Board <https://funbeach.com/press/andi-day-tapped-as-new-board-member-to-the-washington-tourism-alliance/>

Salmon Fishing <https://funbeach.com/press/salmon-fishing-out-of-ilwaco-red-hot-now-forecast-to-get-even-better-through-september/>

**Earned media:** Columbian, Columbian.com, Jim Jaillet blog, ExperienceWA.com, Seattle Weekly, Seattle's Child magazine, Outdoor Project, King 5 Evening, Seattle's Child enews, Freshwater News, Tacoma News Tribune, Coastal Living magazine, Coastalliving.com, Portland Monthly magazine, TrazeeTravel.com, Vegetarian Travel and Fitness, The Register-Guard, Seattle Times, USAToday.com, Oregonian, GerryFrank'spicks, Coast Explorer, Today with Kathie Lee and Hoda

**Press visits:** Julie Henning, Debbie Teashon

### Visitors Center

4,607 visitors in the center in July, most ever in July, 5% over July 2014.

Year to date there have been 16,326 visitors, highest ever, 9% increase over 2014.

### Tourism Industry Metrics, Partnership & Advocacy

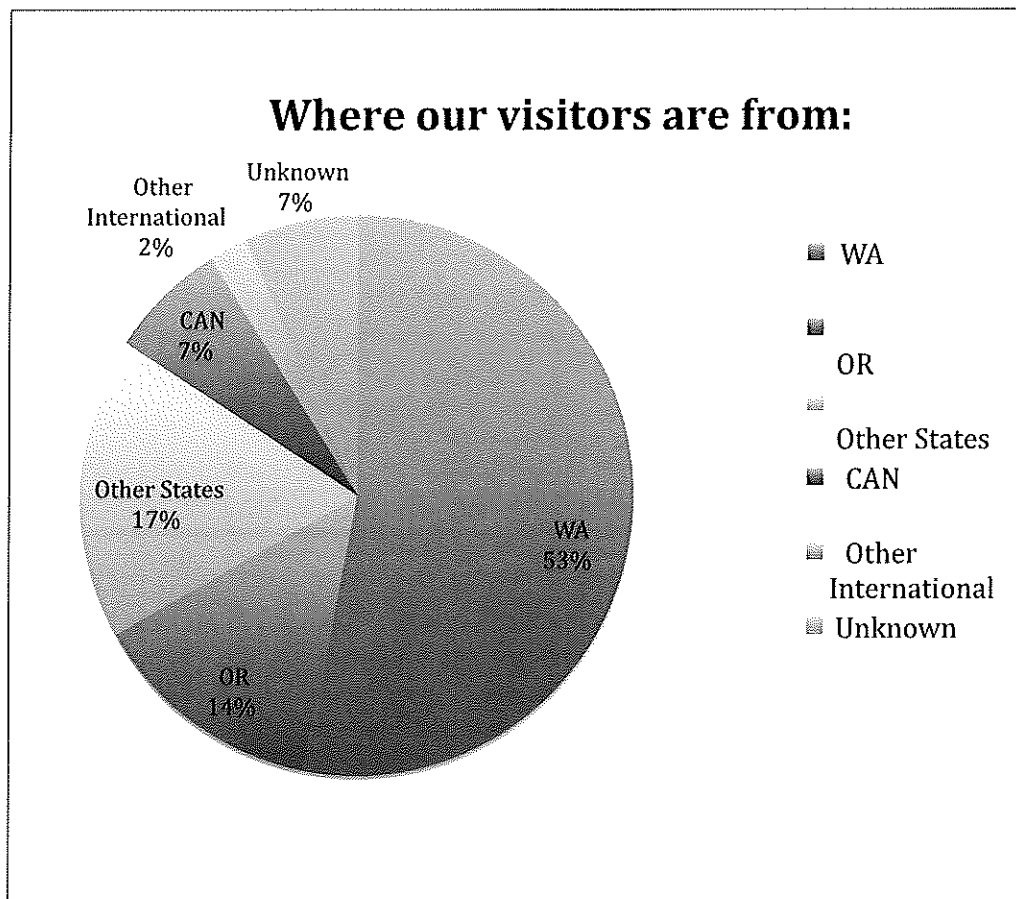
Pacific County ytd lodging taxes through July are up 21% over 2014

City of Long Beach ytd through July, lodging taxes are up 18% over 2014

City of Long Beach ytd through May, sales taxes are up 5% over 2014

### Distribution

6,487 pieces of print collateral produced by LBPVB



## David Glasson

---

**From:** Mark Perez [amperezlbwa@yahoo.com]  
**Sent:** Sunday, August 09, 2015 5:27 PM  
**To:** kdelessert@ymail.com; David Glasson  
**Subject:** Re: Farmer's market

Karen, thank you for the great feedback, I'll pass this on for inclusion into our council packet.

Dave, reference the note below concerning the farmer's market, could you please include this in the next council packet.

Regards, Mark

Sent from my iPreciousiPad!

On Aug 8, 2015, at 9:19 PM, [kdelessert@ymail.com](mailto:kdelessert@ymail.com) <[kdelessert@ymail.com](mailto:kdelessert@ymail.com)> wrote:

Dare Mr. Perez,

I live in Ocean Park. My husband and I make functional art out of driftwood. Lamps, candles, and a whole host of other things.

When Farmer's market was first announced, I was excited and hopeful that I could participate as a vendor. Farmer's markets in other communities and cities include artists and crafts persons, so I thought I would go ahead and request a form to fill out. I was told at that time it was strictly for local farmers. Ok, made sense. I left my business card and thought that was that.

The following year I got a phone call asking if I was still interested in being a vendor. I said yes.

I lasted for only one season. The reasons are as follows:

1. The hours were from 3 to 7. Two of those hours were right at the hight of the dinner hour.
2. Customer traffic was terrible. No one knew we were back there!!!!

Maybe if the hours could be different, the restaurant owners would feel less threatened.

I would love to participate again. Change the hours, and better exposure.

Thanks for taking the time to read this.

If you are interested, you can view our items on our Facebook page.

Driftwood Delights

Karen DeLessert  
Driftwood Delights  
[360-355-5673](tel:360-355-5673)

Sent from my Verizon 4G LTE Tablet



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 21, 2015

The Honorable Robert Andrew  
Mayor of Long Beach  
PO Box 310  
Long Beach, WA 98631

Dear Mayor Andrew:

Congratulations! The Long Beach Wastewater Treatment Plant is receiving the 2014 "Wastewater Treatment Plant Outstanding Performance" award. Of approximately 300 wastewater treatment plants statewide, yours is one of 127 that achieved full compliance with its National Pollutant Discharge Elimination System (NPDES) permit in 2014.

My staff evaluated wastewater treatment plants in Washington for compliance with the effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and overall operational demands of the NPDES permit.

It takes diligent operators and a strong management team, working effectively together, to achieve this high level of compliance. It is not easy to operate a wastewater treatment plant 24 hours a day, 365 days a year, without violations. The Washington State Department of Ecology (Ecology) appreciates the extraordinary level of effort your plant operators demonstrated throughout 2014. Talented and proficient operators are critical to successful plant operations and protecting the health of Washington's waters. This is the second consecutive year the Long Beach Wastewater Treatment Plant received this award. Your excellent record is a credit to the dedicated operators who are responsible for operating this award-winning plant.

Ecology will issue a news release recognizing the 2014 award recipients including the Long Beach Wastewater Treatment Plant.

Please call Pat Bailey at 360-407-6281 if you have any questions or comments about your award.

Thank you for the excellent service you provide. Congratulations!

Sincerely,

Heather R. Bartlett  
Water Quality Program Manager

cc: Don Zuern, Public Works Director





# PORTER FOSTER RORICK LLP

800 Two Union Square | 601 Union Street | Seattle, Washington 98101 | Tel (206) 622-0203 | Fax (206) 223-2003 | [www.pfrwa.com](http://www.pfrwa.com)

August 3, 2015

City of Long Beach  
Post Office Box 310  
Long Beach, Washington 98631

## Re: New marijuana-related legislation

This year, the state legislature passed three bills related to recreational and/or medical marijuana. We wanted to provide you information about SSSB 5052 ("SB 5052"), which overhauls the medical marijuana statutes, and 2E2SHB 2316 ("HB 2136"), which relates to the taxation and regulation of marijuana businesses generally. These new laws present a number of potential impacts for local governments. The third piece of legislation, SB 5121, authorizes marijuana research facilities and establishes a licensing process. SB 5121 does not have any direct impact on local governments.

### SB 5052: MEDICAL MARIJUANA

The primary purpose of SB 5052 was to bring medical marijuana into the same regulatory scheme as recreational marijuana. Now, all producers, processors, and retailers of medical marijuana will be required to obtain a license from the Liquor and Cannabis Board (LCB). As with recreational marijuana, medical marijuana product will be tracked "from seed to sale" and there will be more oversight to prevent improper sales.

#### Retailers

Under SB 5052, medical marijuana must be sold by a retailer licensed by the LCB. Recreational marijuana retailers who want to sell medical marijuana will need to obtain an endorsement from the LCB, and these retail stores will need to have staff trained to provide advice about medical marijuana products. The new law directs the LCB to reevaluate the amount of square footage dedicated to plant production and to determine whether additional retail stores are necessary to serve medical marijuana patients. It is not yet clear what criteria the LCB will use to make these determinations.

#### Patient Database

SB 5052 creates a process for becoming a qualifying medical marijuana patient or designated caregiver. Under the new legislation, these individuals can voluntarily enroll in a state-maintained

August 3, 2015

Page 2

medical marijuana authorization database and obtain a "recognition card." Individuals with a recognition card are allowed to participate in a medical marijuana cooperative and are authorized to purchase larger quantities of marijuana than non-card holders and retail consumers. Retail consumers can purchase only 1 ounce of useable marijuana, 16 ounces of solid marijuana-infused product, 72 ounces of liquid marijuana-infused product, or 7 grams of marijuana concentrate.

- ② Qualifying patients who are not enrolled can purchase these same quantities, grow up to four plants for personal use, and possess up to six ounces of useable marijuana at home. In contrast, those with a recognition card may, depending on the amount specified in the patient's health care authorization, purchase up to 3 ounces of useable marijuana, 48 ounces of solid marijuana-infused product, 216 ounces of liquid marijuana-infused product, or 21 grams of marijuana concentrate. Those with a recognition card may also grow up to 6 plants and possess up to 8 ounces of useable marijuana at home. Furthermore, if a health care professional believes a patient's needs exceed these amounts, the patient can be authorized to grow up to 15 plants and possess up to 16 ounces at home.

Enrollment in the database also provides increased protection from arrest. Specifically, qualified medical marijuana patients who have a current recognition card generally cannot be arrested for possession or delivery offenses. Individuals who do not have a recognition card can only raise an affirmative defense at trial if prosecuted.

### Collective Gardens versus Cooperatives

The former "collective garden" provisions have been repealed and replaced with a "cooperative" system. Under the new cooperative system, a maximum of four qualifying individuals can grow up to 60 plants. There are a number of differences between the collective gardens and the cooperatives but the relevant differences for cities arise in the context of siting, which is discussed in more depth below. Code revisions will be needed to account for the change in nomenclature, along with other minor phrasing changes (i.e., "marijuana" instead of "cannabis").

### Effective Date

The primary effective date relevant for local governments is July 1, 2016. That is the date when medical marijuana businesses must be licensed through the LCB.

### HB 2136: GENERAL MARIJUANA REGULATIONS

The legislature also passed HB 2136. This legislation encompasses a broad array of regulations related to marijuana sales, including tax- and zoning-related provisions.



### **Excise Tax**

HB 2136 establishes a single excise tax of 37% imposed at the time of the retail sale, instead of an excise tax of 25% at each of the three different stages (production, processing, and retailing). In an apparent effort to encourage cities and counties to allow marijuana businesses, the legislature directs the state to share marijuana revenue only with local jurisdictions that do so. Thus, beginning in fiscal year 2018, if marijuana excise tax collection exceeds \$25 million, 30% of all marijuana excise taxes deposited into the general fund the prior fiscal year will be distributed to local governments as follows: 30% will go to municipalities where retailers are located, based on the retail sales from stores within each jurisdiction; and 70% will be distributed to municipalities on a per capita basis, but only to jurisdictions that do not prohibit the siting of state-licensed producers, processors, or retailers. The plain language of the statute indicates that municipalities prohibiting cooperatives are nevertheless able to share in the tax revenue.

### **Sales Tax**

In addition to the new excise tax provisions, the sales and use tax provisions were altered. HB 2136 provides a retail sales and use tax exemption to qualifying patients for marijuana purchased or obtained for medical use.

### **Additional Local Funding**

The state budget provides for \$12 million in funding (\$6 million in each fiscal year of the 2015-17 biennium) to counties and eligible cities for marijuana enforcement. The funds appropriated in the budget are to be distributed, based on retail marijuana sales, to counties that permit marijuana businesses and to cities where retail marijuana sales occur.

### **Effective Dates**

Many sections of HB 2136 became effective July 1, 2015, including the tax revisions and buffer zones changes (discussed below). Other sections became effective on July 24, 2015, including those amending the criminal code. The sections related to medical marijuana become effective on July 1, 2016, in conjunction with SB 5052.

## **LAND USE**

Both SB 5052 and HB 2136 have potential impacts on zoning codes.

August 3, 2015

Page 4

## Producers, Processors, and Retailers

### *Signage*

Licensed retail marijuana stores are now allowed to have two signs instead of one. Each must be no more than 1,600 square inches (about 11 square feet) in size.

### *Zoning*

Under SB 5052, the same buffer requirements that apply to the siting of licensed recreational marijuana businesses apply to licensed medical marijuana businesses. This means that a marijuana business cannot be located within 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade allowing customers under 21.

Neither SB 5052 nor HB 2136 contains any new provisions that expressly restrict cities' authority to regulate or preclude the siting of marijuana businesses through their traditional zoning authority. A number of the 2015 legislative bills proposed to restrict local governments' ability to ban marijuana entities by requiring referendums on such bans. Indeed, as HB 2136 first passed the House it contained such a provision. However, these proposals were ultimately rejected.

HB 2136 allows municipalities more flexibility in siting marijuana producers, processors, and retailers. Essentially, the new law allows local governments to reduce the current buffer zone around businesses from the current 1,000 feet to not less than 100 feet for recreation centers or facilities, child care centers, public parks, public transit centers, libraries, and game arcades admitting minors. However, this authority to adjust buffer distances does not apply to elementary or secondary schools or to playgrounds.

If a city enacts an ordinance allowing smaller buffer zones, then it may also include a requirement that applicants for marijuana business licenses provide individual notice of their application to any of the listed facilities that are located within 1,000 feet, including all of the previous mentioned facilities as well as churches.

## Cooperatives

A notable difference between the current collective gardens and the new cooperatives is that a cooperative must grow the plants in the residence of one of the members. In other words, if a city chooses to allow cooperatives, they must be allowed to locate in zones that permit residential dwellings; they cannot be relegated to commercial or industrial areas. There are other restrictions on the allowable location for a collective. Specifically, collectives are subject to the same buffer zones as retail marijuana stores and they must be at least one mile away from a marijuana retailer.

*Cooperative*

August 3, 2015

Page 5

Furthermore, HB 2136 makes it clear that counties, cities, and towns may prohibit cooperatives within their jurisdiction.

#### Noncompliant Activities

SB 5052 indicates that no more than 15 plants may be grown in any one house unless there is a licensed cooperative and that the production, processing, or storage of marijuana cannot occur in a manner that can be readily seen or smelled from a public place or nearby private property. To prevent these types of violations, "municipalities may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants beyond or otherwise not in compliance with this section."

#### Other Regulations

HB 2136 prohibits retailers from having marijuana vending machines within their stores and prohibits drive-through sales. In addition, "marijuana clubs" are prohibited.

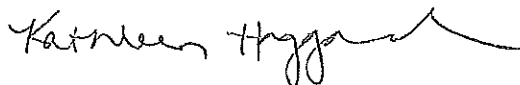
Among other regulations specific to the newly authorized marijuana research facilities, HB 2316 provides more relaxed buffer zones for these facilities than for other marijuana-related entities.

#### CONCLUSION

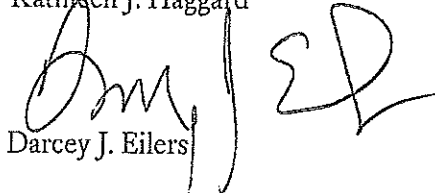
We would be happy to assist you in redrafting your code provisions to correspond with these new laws. Please let us know if you would like our assistance.

Sincerely,

PORTER FOSTER RORICK LLP



Kathleen J. Haggard



Darcey J. Eilers

Report: AGY064P2  
710-LBL BLSD020

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 07 31 2015  
Page: 1

LONG BEACH GENERAL BUSINESS

Business Structure: Sole Proprietor

Legal Entity Name : TAMFIQ SHARIF RAMAJFH

Firm Name : TAMFIQ RAMAJFH

Location Phone/FAX: (206) 209-9010 (000) 000-0000

Email Address: T.RAMAJFH@YAHOO.COM

Location Address : 5908 HANNAH PIERCE RD W APT A  
TACOMA WA 98467 4250

Mail Addr: 5908 HANNAH PIERCE RD W APT A  
TACOMA WA 98467 4250

In City Limits: Y Number of employees at this location: 0

Product/Service Desc: Services LIGHT CONSTRUCTION AND REMODELING.

Operator Comments: LANGUAGE ASSIST(Y/N): Y ARABIC

Previous Business License: N

Account Status: Pending Approval

Applying as Nonprofit Business: N

New Application / Final

UBI Number : 603 529 200 001 0001  
Application ID : 2015 203 5301

Application Received Date: 07 22 2015

Fees: \$125.00  
Expiration Date: 07 31 2016

First Date of Business: 07 22 2015

Zoning	<u>MS CG</u>	Date	<u>06/15</u>	Fire	Date
Building		Date		Police	Date
Finance		Date		Planning	Date
Comments:					

2015/6/15  
2015/6/15

Report: AGY064P2  
710-LBL BLSD020

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 08 04 2015  
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

Legal Entity Name : SERVICELINK FIELD SERVICES LLC

Firm Name : SERVICELINK FIELD SERVICES LLC

Location Phone/FAX: (904) 854-8146 (000) 000-0000

Location Address : 601 RIVERSIDE AVE  
JACKSONVILLE FL 32204 2901

In City Limits: Number of employees at this location: 0

Product/Serv Desc: Retail , Services PROVIDES PROPERTY INSPECTION PRESERVATION & MAINTENANCE SVCS

Operator Comments:

Previous Business License:

Account Status: Pending Approval

Applying as Nonprofit Business: N

Zoning	H/A	GB	8/5/15	Fire		Date	
Building			Date	Police		Date	
Finance			Date	Planning		Date	
Comments:							

Report: AGY064P2  
710-IBL BLS020

State of Washington  
Business Licensing Service  
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Date: 07 23 2015  
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor  
Legal Entity Name: JUSTIN J RUSSELL

UBI Number : 602 300 326 001 0002  
Application ID : 2015 203 4954  
Application Received Date: 07 22 2015

Firm Name : RUSSELL CONSTRUCTION 2.0

Fees: \$125.00  
Expiration Date: 07 31 2016

Location Phone/FAX: (360) 593-6575 (000) 000-0000

First Date of Business: 07 01 2015

Email Address: SNUFRUSSELL@HOTMAIL.COM

Location Address : 209 SPRUCE ST  
ILWACO WA 98624

Mail Addr: PO BOX 581  
ILWACO WA 98624 0581

In City Limits: Y Number of employees at this location: 0

Product/Serv Desc: Retail, Services CONCRETE, REMODEL, ADDITIONS, DECKS

Operator Comments: REOPEN ACCT

Previous Business License: N

Applying as Nonprofit Business: N

General/Specialty Contractor #

Unable to verify Contractor license number in the Contractor database.

Account Status: Pending Approval

Zoning	<u>HA RB</u>	Date	<u>7/27/15</u>	Fire	Date
Building		Date		Police	Date
Finance		Date		Planning	Date
Comments:		Date			



Report: AGY064P2  
710-LBL BLSD020

State of Washington  
Business Licensing Service  
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

UBI Number : 603 524 625 001 0001

Legal Entity Name : ROSE CITY PAINTING & REMODEL LLC.

Application ID : 2015 197 4842  
Application Received Date: 07 16 2015

Firm Name : ROSE CITY PAINTING & REMODEL LLC.

Fees: \$125.00  
Expiration Date: 07 31 2016

Location Phone/FAX: (503) 442-0059 (000) 000-0000

First Date of Business: 08 10 2015

Email Address: ROSECITYPR@YAHOO.COM

Location Address : 251 SYCAMORE AVE

WOODBURN OR 97071 2236

Mail Addr: 251 SYCAMORE AVE

WOODBURN OR. 97071 2236

In City Limits: Number of employees at this location: 3

Product/Serv Desc: Services PAINTING

Operator Comments:

Previous Business License: N

Applying as Nonprofit Business: N

General/Specialty Contractor # 180515

Unable to verify Contractor license number in the Contractor database.

Account Status: Pending Approval

Zoning	NA 4B	7/20/15	Date	Fire	Date
Building		Date	Police	Date	
Finance		Date	Planning	Date	
Comments:					

Report: AGY064P2  
710-LBL BLSD020

State of Washington  
Business Licensing Service  
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Date: 07 23 2015  
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Profit Corporation  
Legal Entity Name : CUSTOM BEDBUG, INC.

UBI Number : 603 498 772 001 0001  
Application ID : 2015 204 3535  
Application Received Date: 07 23 2015

Firm Name : CUSTOM BEDBUG INC.

Fees: \$125.00  
Expiration Date: 07 31 2016

Location Phone/FAX: (208) 957-5511

(208) 297-5284

First Date of Business: 03 22 2015

Email Address: INFO@CUSTOMBEDBUG.COM

Location Address : STE 102  
3724 N PLANTATION RIVER DR  
BOISE ID 83703 3021

Mail Addr: STE 102  
3724 N PLANTATION RIVER DR  
BOISE ID 83703 3021

In City Limits: Number of employees at this location: 3

Product/serv Desc: Services THERMAL REMEDIATION FOR BEDBUGS, APPLICATION FOR B  
EDBUGS, BEDBUG RELATED PRODUCTS.

Operator Comments: LANGUAGE ASSIST(Y/N) : Y ENGLISH

Previous Business License: N

Previous business owner:

Name: PAUL ECKERECHT  
Firm name: BEDBUG THERMAL SOLUTIONS

Account Status: Pending Approval

Applying as Nonprofit Business: Y 501(C) Received: --

Phone: (208) 720-5211

Zoning	AK	SB	7/27/15	Fire		Date	
Building				Police		Date	
Finance				Planning		Date	
Comments:							

Report: AGY064P2  
710-IBL BLS020

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 08 06 2015  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor  
Legal Entity Name : DAMIAN MULINIX

UBI Number : 603 530 711 001 0001  
Application ID : 2015 218 3453  
Application Received Date: 08 06 2015

Firm Name : DAMIAN MULINIX, PHOTOGRAPHER

Fees: \$125.00  
Expiration Date: 08 31 2016

Location Phone/FAX: (360) 783-2922 (000) 000-0000

Business Open Date: 08 10 2015

Email Address: dmulinixwork@gmail.com

Location Address : 115 14TH ST SW  
LONG BEACH WA 98631 2613

Mail Addr: PO BOX 327  
ILWACO WA 98624 0327

In City Limits: Y Number of employees at this location: 1

Product/Serv Desc: Retail PHOTOGRAPHY BUSINESS, OFFERING EDITORIAL, PROMOTIO  
NAL, PR AND GENERAL PHOTOGRAPHY SERVICES.

Operator Comments:

Previous Business License: N

Square Footage: 0

Applying as Non Profit Business: N

Conducting Business From Residence: Y Customers visiting business premises? Y

Per week:

Interior/Exterior Modifications: N

Haz/Riam Material: N

Additional Business Activities: Utility

Account Status: Pending Approval

Zoning	21 S	Date	8/2/15	Fire		Date	
Building		Date		Police		Date	
Finance		Date		Planning		Date	
Comments:							

Report: AGY064P2  
710-LBL BUSD020

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 08 06 2015  
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

UBI Number : 603 302 507 001 0001

Legal Entity Name : OLSON ASPHALT MAINTENANCE, LLC

Application ID : 2015 132 3959

Firm Name : OLSON ASPHALT MAINTENANCE LLC

Fees: \$125.00

Location Phone/FAX: (503) 738-2644

(000) 000-0000

Expiration Date:

05 31 2016

Email Address: JULIA@OAMNW.COM

First Date of Business:

06 01 2015

Location Address : 1570 LEWIS AND CLARK RD  
SEASIDE OR 97138 7902

Mail Addr: PO BOX 2683

GEARHART OR 97138 2683

In City Limits: Number of employees at this location: 2

Product/Serv Desc: Services CONTRACTOR: SEALCOAT, STRIPING, FENCING

Operator Comments:

Previous Business License: N

Applying as Nonprofit Business: N

General/Specialty Contractor # OLSONAM870KO

Contractor license number verified in the Contractor database. Expires: 05 27 2017

Account Status: Pending Approval

Zoning	NA	CP	8/10/15	Fire		Date	
Building				Police		Date	
Finance				Planning		Date	
Comments:							